

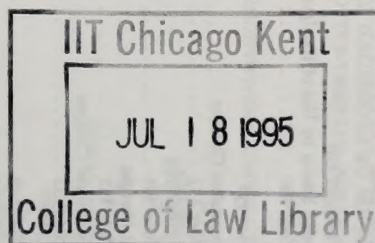
1995

Illinois Register

Rules of Governmental Agencies

Volume 19, Issue 28— July 14, 1995

Pages 9362 - 10345



Index Department
Administrative Code Div.
111 East Monroe Street
Springfield, IL 62756
(217) 782-7017

published by
George H. Ryan
Secretary of State

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Editors Note: The July 1995 Regulatory Agendas will be published in July 14 (Issue 28), July 21 and July 28 issues of the *Illinois Register*. The agendas published in Issue 29 will contain agendas that are related to environmental and transportation rulemakings, and agendas published in Issue 30 will contain agendas from constitutional officers and other state agency rulemakings.

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INTRODUCTION

The *Illinois Register* is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. The Register also contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current Register volume year and a Sections Affected Index listing by Title each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume year. Both indices are action coded and are designed to aid the public in monitoring rules.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State statute; and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies; is also published in the Register.

The Register is a weekly update to the *Illinois Administrative Code* (a compilation of the rules adopted by State agencies). The most recent edition of the Code along with the Register comprise the most current accounting of State agencies' rules.

The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.].

REGISTER PUBLICATION SCHEDULE 1995

Material Rec'd after 12:00 p.m. on:	And before 12:00 p.m. on:	Will be in Issue #:	Published on:	Material Rec'd after 12:00 p.m. on:	And before 12:00 p.m. on:	Will be in Issue #:	Published on:
Dec. 20, 1994	Dec. 27, 1994	1	Jan. 6, 1995	June 27, 1995	July 3, 1995	28	July 14, 1995
Dec. 27, 1994	Jan. 3, 1995	2	Jan. 13, 1995	July 3, 1995	July 11, 1995	29	July 21, 1995
Jan. 3, 1995	Jan. 10, 1995	3	Jan. 20, 1995	July 11, 1995	July 18, 1995	30	July 28, 1995
Jan. 10, 1995	Jan. 17, 1995	4	Jan. 27, 1995	July 18, 1995	July 25, 1995	31	Aug. 4, 1995
Jan. 17, 1995	Jan. 24, 1995	5	Feb. 3, 1995	July 25, 1995	Aug. 1, 1995	32	Aug. 11, 1995
Jan. 24, 1995	Jan. 31, 1995	6	Feb. 10, 1995	Aug. 1, 1995	Aug. 8, 1995	33	Aug. 18, 1995
Jan. 31, 1995	Feb. 7, 1995	7	Feb. 17, 1995	Aug. 8, 1995	Aug. 15, 1995	34	Aug. 25, 1995
Feb. 7, 1995	Feb. 14, 1995	8	Feb. 24, 1995	Aug. 15, 1995	Aug. 22, 1995	35	Sept. 1, 1995
Feb. 14, 1995	Feb. 21, 1995	9	Mar. 3, 1995	Aug. 22, 1995	Aug. 29, 1995	36	Sept. 8, 1995
Feb. 21, 1995	Feb. 28, 1995	10	Mar. 10, 1995	Aug. 29, 1995	Sept. 5, 1995	37	Sept. 15, 1995
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Mar. 7, 1995	Mar. 14, 1995	12	Mar. 24, 1995	Sept. 12, 1995	Sept. 19, 1995	39	Sept. 29, 1995
Mar. 14, 1995	Mar. 21, 1995	13	Mar. 31, 1995	Sept. 19, 1995	Sept. 26, 1995	40	Oct. 6, 1995
Mar. 21, 1995	Mar. 28, 1995	14	Apr. 7, 1995	Sept. 26, 1995	Oct. 3, 1995	41	Oct. 13, 1995
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Apr. 4, 1995	Apr. 11, 1995	16	Apr. 21, 1995	Oct. 10, 1995	Oct. 17, 1995	43	Oct. 27, 1995
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Apr. 18, 1995	Apr. 25, 1995	18	May 5, 1995	Oct. 24, 1995	Oct. 31, 1995	45	Nov. 13, 1995 (Mon.)
Apr. 25, 1995	May 2, 1995	19	May 12, 1995	Oct. 31, 1995	Nov. 7, 1995	46	Nov. 17, 1995
May 2, 1995	May 9, 1995	20	May 19, 1995	Nov. 7, 1995	Nov. 14, 1995	47	Nov. 27, 1995 (Mon.)
May 9, 1995	May 16, 1995	21	May 26, 1995	Nov. 14, 1995	Nov. 21, 1995	48	Dec. 1, 1995
May 16, 1995	May 23, 1995	22	June 2, 1995	Nov. 21, 1995	Nov. 28, 1995	49	Dec. 8, 1995
May 23, 1995	May 30, 1995	23	June 9, 1995	Nov. 28, 1995	Dec. 5, 1995	50	Dec. 15, 1995
May 30, 1995	June 6, 1995	24	June 16, 1995	Dec. 5, 1995	Dec. 12, 1995	51	Dec. 22, 1995
June 6, 1995	June 13, 1995	25	June 23, 1995	Dec. 12, 1995	Dec. 19, 1995	52	Dec. 29, 1995
June 13, 1995	June 20, 1995	26	June 30, 1995	Dec. 19, 1995	Dec. 26, 1995	1	Jan. 5, 1996
June 20, 1995	June 27, 1995	27	July 7, 1995	Dec. 26, 1995	Jan. 2, 1996	2	Jan. 12, 1996

Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).

DEPARTMENT ON AGING

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Community Care Program2) Code Citation: 89 Ill. Adm. Code 2403) Section Numbers: Proposed Action:

240.655
Amendment
240.660
Amendment
240.820
Amendment
240.920
Amendment
240.1020
Amendment

4) Statutory Authority: 20 ILCS 105/4.01(4), (9), (11) and (12); 4.02; 4.03; and 5.02

5) A Complete Description of the Subjects and Issues Involved: Public Act 37-740, effective September 15, 1991, mandated the Illinois Department on Aging to apply the Illinois Department of Public Aid's (IDPA) spousal impoverishment provisions to the Community Care Program (CCP). The Department's amendments to effectuate this mandate were filed December 30, 1994 and were adopted effective July 1, 1995. In subsequent meetings with IDPA, however, the Department found that there is a 36 month look back period applied to asset transfers. The Medicaid application process would require a longer application time frame for the client/applicant than currently allowed under CCP rules. In order to accommodate these changes, the look back period must be changed from 24 months to 36 months. In addition, the Medicaid application process of determining Medicaid eligibility means the 60 day maximum for client delay must be changed to a 90 day maximum for client delay.

The extended look back period and time frame for the Medicaid application process is essential in order to allow clients/applicants the ability to utilize the prevention of spousal impoverishment standards under CCP. Without this extension of time, IDPA will not have sufficient time to process Medicaid applications and an applicant would have to be denied, or a client terminated. Then, the applicant or former client would have to re-apply when IDPA had completed its work. This latter option would result in even greater delay and more paperwork for the applicant/client, and is likely to force unnecessary institutionalization.

The extended look back period and extended time frame for the Medicaid application process are essential in order to allow clients/applicants the ability to utilize the prevention of spousal impoverishment standards under CCP. The CCP prevention of spousal impoverishment standards serve as a vehicle for allowing Illinois' married spouses to remain together in their own homes should one spouse become in need of long term care services. These standards allow the community spouse to maintain an adequate estate and monthly available income without which the only

DEPARTMENT ON AGING

NOTICE OF PROPOSED AMENDMENTS

choices available to the couple would be limited to:

- 1) admitting the spouse needing services to an institutional setting in order to qualify for Medicaid and allow the spouse remaining in the community to have income and assets diverted for his/her benefit; or
- 2) utilizing available resources to pay for necessary services to allow the spouse needing service to remain in the home, thus risking the eventual reduction of his/her estate to an allowable community welfare level.

The incorporation of these provisions into the Community Care Program will protect the health, safety and welfare of both applicants/clients and their families, as well as allowing lower cost community and home based services to meet their needs rather than compelling them to be otherwise inappropriately institutionalized.

6) Will this proposed rule replace an emergency rule currently in effect?
Yes

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any proposed amendments pending on this Part? Yes

<u>Section Number</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
240.436	New Section	February 17, 1995 (19 Ill. Reg. 1363)

10) Statement of Statewide Policy Objectives: N/A

11) Time, Place, and Manner in which interested persons may comment on this Proposed rulemaking: Interested persons may present their written comments concerning this rulemaking, within 45 days after the date of this issue of the *Illinois Register*, to:

Ms. Pamela W. Balmer, Assistant
Office of General Counsel
Illinois Department on Aging
421 East Capitol Avenue #100
Springfield, Illinois 62701-1789
Attention: Asset & Time
(217) 785-3346

The rule amendments may have an impact on small businesses. In accordance with Sections 100/1-20 and 5-20 of the Illinois Administrative Procedure Act, any small business may present their comments to Ms. Pamela W.

DEPARTMENT ON AGING

NOTICE OF PROPOSED AMENDMENTS

Balmer, at the above address.

Any small business (as defined in Section 100/1-75 of the Illinois Administrative Procedure Act) commenting on the rule amendment shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses affected: Case Coordination Units
- B) Reporting, bookkeeping or other procedures required for compliance: Procedures commensurate with those established under the prevention of spousal impoverishment standards of the Community Care Program.
- C) Types of professional skills necessary for compliance: Professional skills commensurate with case management requirements under the Community Care Program.

- 13) State reason(s) for this rulemaking if it was not included in either of the two (2) most recent regulatory agendas: This rulemaking was summarized in the July 1995 Regulatory Agenda.

The full text of the proposed amendments is identical to the text of the emergency amendments which appears in this issue of the Illinois Register on page **10188**.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: State Vehicles and Garage

- 2) Code Citation: 44 Ill. Adm. Code 5040

- 3) Section Numbers: Proposed Action:

5040.130 Amend

- 4) Statutory Authority: Implementing Sections 67.15, 67.16 and 67.22 of the Civil Administrative Code of Illinois [20 ILCS 405/67.15, 67.16 and 67.22]; Sections 1 and 2 of the State Vehicle Mileage Act [30 ILCS 615/1 and 2] and Sections 1 and 2 of the State Vehicle Identification Act [30 ILCS 610/1 and 2] and authorized by Section 67.15 of the Civil Administrative Code of Illinois [20 ILCS 405/67.15].

- 5) A Complete Description of the Subjects and Issues Involved: The Department of Central Management Services' statutory authority regarding vehicle acquisition, maintenance and operations extends to the "executive department of the State government". This amendment changes the definition currently found in the rules. The revised definition has CMS' authority limited to agencies that are subject to the Governor. The various constitutional officers and agencies independent of the Governor would not be subject to CMS authority.

- 6) Will this rulemaking replace any emergency rulemaking currently in effect?
No

- 7) Does this rulemaking contain an automatic repeal date? No

- 8) Does this rulemaking contain incorporations by reference? No

- 9) Are there any other proposed rulemakings pending on this part? No

- 10) Statement of Statewide Policy Objectives: Rulemaking does not affect units of local government.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments within 45 days of the date of publication to:

Stephen W. Seiple
720 Stratton Office Building
Springfield, IL 62706
(217) 782-9669

- 12) Initial Regulatory Flexibility Analysis: Does not apply to small businesses.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

- 13) State reasons for this rulemaking if it was not included in either of the two (2) most recent regulatory agendas: This amendment was included in the recent regulatory agenda.

The full text of the Proposed Amendment begins on the next page:

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT AND PROPERTY MANAGEMENT

SUBTITLE D: PROPERTY MANAGEMENT

CHAPTER I: DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

PART 5040

STATE VEHICLES AND GARAGE

SUBPART A: GENERAL

Section	
5040.100	Authority
5040.110	Policy
5040.120	Applicability
5040.130	Definitions

SUBPART B: ACQUISITION

Section	
5040.200	Acquisition of Vehicles
5040.210	Fuel Economy Standards
5040.220	Availability of Vehicles
5040.230	Agency Purchase
5040.240	Motor Pool Lease or Rental
5040.250	Private Firm Lease or Rental
5040.260	Use of Personal Vehicles on State Business
5040.270	Requests for Acquisition of Vehicles

SUBPART C: USE OF VEHICLES

Section	
5040.300	Use of Vehicles
5040.310	Title and Registration
5040.320	License Plates
5040.330	Identification of Vehicles
5040.340	Assignment to Individuals
5040.350	Off-Duty Usage and Personal Use
5040.360	Use and Condition Review
5040.370	Exceptions to Use Rules
5040.380	Motor Pool

SUBPART D: MAINTENANCE

Section	
5040.400	Maintenance of Vehicles
5040.410	Scheduled Inspection and Maintenance
5040.420	DCMS Garages
5040.430	Warranty Work

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

SUBPART E: MISCELLANEOUS

Section	
5040.500	Driver Requirements
5040.510	Insurance
5040.520	Accidents Report Procedures
5040.530	Tickets
5040.540	Credit Card
5040.550	Gasoline Purchase
5040.560	Charges
5040.570	Payment of Charges
5040.580	Credits
5040.590	Cost Information (Repealed)
5040.600	Designation of Vehicle Coordinator
5040.610	DCMS Annual Statement
5040.620	Required Forms and Information
5040.630	Agency Signature Authority
5040.700	Rate Schedule

AUTHORITY: Implementing Sections 67.15, 67.16 and 67.22 of the Civil Administrative Code of Illinois [20 ILCS 405/67.15, 67.16, and 67.22]; Sections 1 and 2 of the State Vehicle Mileage Act [30 ILCS 615/1 and 2] and Sections 1 and 2 of the State Vehicle Identification Act [30 ILCS 610/1 and 2] and authorized by Section 67.15 of the Civil Administrative Code of Illinois [20 ILCS 405/67.15].

SOURCE: Adopted at 4 Ill. Reg. 28, p. 173, effective July 1, 1980; amended at 4 Ill. Reg. 30, p. 1225, effective July 1, 1980, by the Department of Administrative Services; transferred to the Department of Central Management Services by Executive Order 82-1, effective July 1, 1982; amended at 7 Ill. Reg. 2483, effective March 1, 1983; codified at 8 Ill. Reg. 8180; amended at 9 Ill. Reg. 13720, effective August 21, 1985; amended at 13 Ill. Reg. 13829, effective August 22, 1989; amended at 15 Ill. Reg. 7553, effective May 7, 1991; amended at 19 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL

Section 5040.130 Definitions

"Agency Head"--The top appointed or elected person within a State entity or the person authorized to act in his or her behalf.

"Executive Department"--All departments, boards, commissions, and agencies of the State of Illinois subject to the Governor. All--State agencies--boards--commissions--departments--institutions--and--any--other State--entity--but--not--including--the--legislative--or--judicial--branch--of State--government--nor--any--of--its--boards--commissions--or--administrative outgrowths.

DEPARTMENT OF CENTRAL MANAGEMENT SERVICES

NOTICE OF PROPOSED AMENDMENT

"State Employee"--Any person who is paid on a State warrant or providing a service to the State and who has permission from the "agency head" may use a State vehicle.

"Vehicle"--Any automobile, truck, or other conveyance capable of independent locomotion on the roads and highways of the State other than special mobile equipment as defined in Section 1-100 of the Illinois Vehicle Code [625 ILCS 5/1-100] ~~ffff--Rev--State--1989--ch--35 1-2--par--1-1007.~~

(Source: Amended at 19 Ill. Reg. _____, effective _____.)

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENT(S)

- 1) Heading of the Part: White-Tailed Deer Hunting Season by Use of Handguns
- 2) Code Citation: 17 Ill. Adm. Code 680
- 3) Section Numbers:
- | | |
|--------|------------|
| 680.10 | Amendments |
| 680.20 | Amendments |
| 680.50 | Amendments |
| 680.70 | Amendments |
- Proposed Action:
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36].

5) A Complete Description of the Subjects and Issues Involved: The part is being amended to standardize application dates; eliminate the head/antler tag; define "antlerless deer"; and change the permitting review process to allow permit fees to be returned to applicants that mistakenly filed improper applications.

6) Will this rulemaking replace any emergency rulemaking currently in effect?
No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed rule may be submitted in writing for a period of 45 days following publication of this notice to:

Jack Price
Department of Conservation
524 S. Second Street, Room 430
Springfield, IL 62701-1787
217/782-1809

12) Initial Regulatory Flexibility Analysis: This rule does not affect small businesses.

13) State reasons for this rulemaking if it was not included in either of the two most recent regulatory agendas: Included in January 1995 Regulatory

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENT(S)

Agenda.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENT(S)

TITLE 17: CONSERVATION
CHAPTER 1: DEPARTMENT OF CONSERVATION
SUBCHAPTER b: FISH AND WILDLIFE

PART 680

WHITE-TAILED DEER HUNTING SEASON BY USE OF HANDGUNS

Section

- 680.10 Statewide Season
680.20 Statewide Deer Permit Requirements
680.30 Deer Permit Requirements - Group Hunt
680.40 Statewide Handgun Requirements for Deer Hunting
680.50 Statewide Deer Hunting Rules
680.60 Reporting Harvest
680.70 Rejection of Application/Revocation of Permits
680.80 Regulations at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36 of the Wildlife Code (520 ILCS 5/1.3, 1.4, 1.13, 2.24, 2.25, 2.26 and 3.36).

SOURCE: Adopted at 15 Ill. Reg. 13353, effective September 3, 1991; amended at 16 Ill. Reg. 15446, effective September 28, 1992; amended at 17 Ill. Reg. 13810, effective October 19, 1993; amended at 18 Ill. Reg. 15739, effective October 18, 1994; amended at 19 Ill. Reg. _____, effective _____.

Section 680.10 Statewide Season

- a) Season: One-half hour before sunrise on Friday of the second 3-day weekend (Friday, Saturday, Sunday) in January to sunset on Sunday of this 3-day weekend in January. Shooting hours are one-half hour before sunrise to sunset.
- b) For the purpose of removing surplus deer, the Department of Conservation (Department) shall open select counties and sites to handgun deer hunting. The Department shall notify the public of the counties that are projected to have surplus deer populations via a news release. These counties also will be listed in the instructions contained in with the current Handgun Deer Permit Application.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 680.20 Statewide Deer Permit Requirements

- a) Illinois resident hunters must have a current, valid "Handgun Deer Permit" (\$15.00) and must be 18 years of age or older by the opening date of the handgun deer season applied for. A permit is issued for

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENT(S)

one county and is valid only in the county stated on the permit. For permit applications and other information write to:

Department of Conservation
(Handgun Deer Season)

Deer Permit Office

524 South Second Street, Room 210
Post Office Box 19227

Springfield, IL 62794-9227

- b) Applications shall be accepted from November 1 through the tenth weekday in November ~~November-14~~ for the Handgun Deer Season in the following January. Applications post-marked after the tenth weekday in November ~~November-14~~ shall not be included in the drawing. Permits shall be allocated in a random drawing. Permits not correctly filled out shall be rejected from the random drawing. Permits shall be issued as antlerless-only.
- c) In-person and mail-in applications shall receive equal treatment in the drawings.
- d) Each applicant must apply using the official agency Handgun Deer Permit Application, and must complete all portions of the form. No more than 6 single applications per envelope shall be accepted. Each applicant must submit a separate personal check or money order. Separate envelopes must be used to send permit applications to the Deer Permit Office for regular firearm, muzzleloading rifle, handgun, archery, and free or paid landowner/tenant permits.
- e) For the applicant to be eligible to receive a Handgun Deer Permit (\$15.00), he must be an Illinois resident, at least 18 years of age by the opening date of the handgun deer season and not have had his deer hunting privileges suspended or revoked in this State pursuant to Section 3.36 of the Wildlife Code ~~(11-Rev.-State-1991-chr-617--Par-3-36)~~ (520 ILCS 5/3.36).
- f) Applications shall be accepted at the counter window of the permit office; however, permits shall be mailed.
- g) Recipients of the Handgun Deer Hunting Permit shall record their signature, Firearm Owner's Identification number (unless exempt), hunting license number (unless exempt) and physical description on the permit and must carry it on their person while hunting.
- h) Permits are not transferable. Refunds shall not be granted unless the Department has erroneously issued the permit after the quota has been depleted or where the applicant was unsuccessful in obtaining a permit.
- i) A three dollar (\$3.00) service fee shall be charged for replacement permits issued by the Department, except when permits are lost in the mail, then there shall be no charge. Monies derived from this source shall be deposited in the Wildlife and Fish Fund.
- j) Each applicant must enclose a separate \$15.00 (check or money order) payable to the Department of Conservation, or the application shall be returned. Applicants should not send cash with their applications. The Department shall not be responsible for cash sent through the

DEPARTMENT OF CONSERVATION

NOTICE OF PROPOSED AMENDMENT(S)

mail.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 680.50 Statewide Deer Hunting Rules

- a) The bag limit is one antlerless deer per legally authorized antlerless-only permit. An antlerless deer is a deer without antlers or a deer having antlers less than 3 inches long. Bag limits--one deer per legally authorized permit.
- b) The leg tag must be attached and properly sealed immediately upon kill and before the deer is moved, transported or field dressed. No person shall leave any deer that has been killed without properly attaching the leg tag to the deer. The head/antler tag and hide tag must be attached to the appropriate parts--when the deer parts--of deer--is delivered--to--a--licensed--fur--buyer--tanner--or--taxidermist--for processing. The leg tag must remain attached to the leg of the deer until it is processed, then must remain with the processed deer until it is at the legal residence of the person who legally took or possessed the deer. Persons delivering deer/parts of deer to a taxidermist, furbuyer, or tanner for processing must supply the taxidermist, furbuyer, or tanner with their deer permit number to verify lawful acquisition. In the absence of a permit number, the taxidermist, furbuyer, or tanner may rely on the written certification of the person from whom the deer was received that the specimen was legally taken or obtained.
- c) Hunters shall not have in their possession, while in the field during the handgun deer season, any deer permit issued to another person (permits are non-transferable).
- d) Permits shall not be re-issued in cases involving deer taken which are found to be diseased or spoiled due to previous injury. Disposal of unfit deer taken shall be the responsibility of the hunter.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

Section 680.70 Rejection of Application/Revocation of Permits

- a) In the event that an applicant is in violation of one of the following subsections, the application shall be held in suspension, and the application fees shall be deposited, pending a determination by the permit office of whether the violation was knowing. If the permit office determines the violation was knowing, the application shall be rejected and the fee shall be retained by Conservation. The applicant may request a hearing on this decision pursuant to 17 Ill. Adm. Code 2530. Should the permit office determine that the violation was without the knowledge of the applicant, the permit office will process

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only the number of applications allowed by administrative rule with additional applications rejected and fees returned. Improper applications will be rejected and the fee retained by Conservation and proper applications shall be processed.

- 1) Submitting more applications in the same name or by the same person for a Handgun Deer Permit than the number of legally authorized permits.
- 2) Providing false and/or deceptive information on the deer permit application form.
- 3) Submitting an application when the applicant has a license or permit currently revoked pursuant to Section 3.36 of the Wildlife Code (411--Rev--Stat--1991--ch--61--par--3-36) [520 ILCS 5/3.36].
- 4) Submitting an incomplete or incorrect application.
- b) Any violation of Section 1-17--et--seq--of the Wildlife Code or administrative rules of the Department, in addition to other penalties, may result in revocation of hunting licenses and permits as per 17 Ill. Adm. Code 2530.

(Source: Amended at 19 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Aid to Families With Dependent Children

2) Code Citation: 89 Ill. Adm. Code 112

3) Section Number: Proposed Action:

112.8 Amendment
112.300 Amendment
112.306 Amendment
112.308 Amendment

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, par. 12-13) (305 ILCS 5/12-13)

5) Complete Description of the Subjects and Issues Involved: In cooperation with the Department of Children and Family Services, the Department of Public Aid is revising AFDC policy regarding children under DCFS guardianship who are placed with relatives not licensed for foster care. Such children will be eligible for an AFDC monthly special need allowance of \$75. As a result of these proposed amendments, a child under DCFS guardianship who has been placed in the home of a relative not licensed for foster care may receive medical assistance under AFDC-F and financial assistance under AFDC-R. A child who lives with a parent receiving AFDC-F may also receive AFDC-F.

This rulemaking provides that when a dependent child lives with a parent, that parent is designated as the caretaker relative except as follows:

1. another relative in the home will be the caretaker relative if DCFS has placed the child with the relative; or
2. the relative has assumed responsibility for the child due to the parent's inability to adequately care for the child.

This rulemaking is also being made to allow caretaker relatives to have one case for themselves and their own children and a second case for other related children. The definition of specified relatives is also being placed in the rules.

Related amendments are being proposed to 89 Ill. Adm. Code 101.20, 101.30 and 101.40.

6) Will these proposed amendments replace emergency amendments currently in effect? Yes

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

DEPARTMENT OF PUBLIC AID

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9) Are there any other proposed amendments pending on this Part? Yes

Section Numbers Proposed Action Illinois Register Citation

112.67 New Section May 5, 1995 (19 Ill. Reg. 6257)

10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

11) Time, Place, and Manner in which Interested Persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to:

Judy Umunna
Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Ave. E., 3rd Floor
Springfield, IL 62762
(217) 524-3215

The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act (5 ILCS 100/5-40).

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) State reasons for this rulemaking if it was not included in either of the two most recent regulatory agendas: The reasons for this rulemaking are fully described above in the complete description of the subjects and issues involved. This rulemaking was not anticipated by the Department when the two most recent regulatory agendas were published.

The full text of the Proposed Amendments is identical to the text of the Emergency Amendments which appears in this issue of the Register on page 9378.

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NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: General Administrative Provisions

2) Code Citation: 89 Ill. Adm. Code 101

3) Section Number: Proposed Action:

101.20 Amendment

101.30 Amendment

101.40 Amendment

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, par. 12-13)(305 ILCS 5/12-13).

5) Complete Description of the Subjects and Issues Involved: In cooperation with the Department of Children and Family Services, the Department of Public Aid is revising AFDC policy regarding children under DCFS guardianship who are placed with relatives not licensed for foster care. Such children will be eligible for an AFDC monthly special need allowance of \$75.

As a result of these proposed amendments, a child under DCFS guardianship who has been placed in the home of a relative not licensed for foster care may receive medical assistance under AFDC-F and financial assistance under AFDC-R. This rulemaking also updates the Section on definitions.

Related amendments are also being proposed to 89 Ill Adm. Code 112.8, 112.300, 112.306 and 112.308.

6) Will these proposed amendments replace emergency amendments currently in effect? Yes

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

11) Time, Place, and Manner in which Interested Persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to Judy Umunna, Bureau of Rules and Regulations, Illinois Department of Public Aid, 100 South Grand Ave., E., 3rd Floor, Springfield, Illinois 62762 (Phone: (217) 524-3215). The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all

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written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act (5 ILCS 100/5-40).

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: None

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) State reasons for this rulemaking if it was not included in either of the two most recent regulatory agendas: The reasons for this rulemaking are fully described above in the complete description of the subjects and issues involved. This rulemaking was not anticipated by the Department when the two most recent regulatory agendas were published.

The full text of the Proposed Amendments is identical to the text of the Emergency Amendments which appears in this issue of the Register on page 10223

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NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Hospital Reimbursement Changes2) Code Citation: 89 Ill. Adm. Code 1523) Section Numbers: Proposed Action:

152.100	Repeal
152.150	Amendment
152.200	Amendment
152.250	Amendment

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, par. 12-13) [305 ILCS 5/12-13]

5) Complete Description of the Subjects and Issues Involved: These proposed amendments are necessary to maintain rates of reimbursement for hospital services at the levels which have been effective since January 18, 1994. The maintenance of rates will continue through fiscal year 1996, and will affect rates calculated according to methodologies located in 89 Ill. Adm. Code 149, Diagnosis Related Grouping (DRG) Prospective Payment System (PPS) and 89 Ill. Adm. Code 148, Hospital Services. These cost containment measures are necessary for the implementation of the fiscal year 1996 budget plan, to permit the Department to continue to provide adequate reimbursement levels for essential hospital services and to prevent excessive and unnecessary expenditures.

Section 152.250 provides an appeal mechanism for any hospital that believes it is facing significant financial hardships by continuing to provide services according to these rate maintenance provisions. Under these amendments, the availability of this appeal process is also being extended through fiscal year 1996.

Section 152.100, which is being repealed, provides for the application of an adjustment factor to certain add-on payments for hospitals. Because of Public Act 88-554, the add-on payments are being eliminated at the end of fiscal year 1995 and the adjustment factors will no longer be applicable.

The proposed amendments to Sections 152.150, 152.200, and 152.250 are not expected to result in any budgetary changes. It is anticipated that the repeal of Section 152.100 will result in a reduction in Department expenditures of approximately \$190.7 million for fiscal year 1996.

6) Will these proposed amendments replace emergency amendments currently in effect? Yes7) Does this rulemaking contain an automatic repeal date? Yes8) Do these proposed amendments contain incorporations by reference? No

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3) Are there any other proposed amendments pending on this Part? YesSections Proposed Action Illinois Register Citation

152.100	Repeal	March 24, 1995 (19 Ill. Reg. 4322)
152.150	Amendment	March 24, 1995 (19 Ill. Reg. 4322)
152.200	Amendment	March 24, 1995 (19 Ill. Reg. 4322)
152.250	Amendment	March 24, 1995 (19 Ill. Reg. 4322)

10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

11) Time, Place, and Manner in which Interested Persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to Joanne Jones, Bureau of Rules and Regulations, Illinois Department of Public Aid, 100 South Grand Ave., 3rd Floor, Springfield, Illinois 62762 (phone: (217) 524-3215). The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

Any interested persons may review these amendments at the Department of Public Aid's local offices located in each county (except Cook County). In Cook County, the amendments may be reviewed at the Office of the Director, Illinois Department of Public Aid, 310 South Michigan Avenue, Suite 1700, Chicago, Illinois. The amendments may be reviewed at all offices Monday through Friday from 8:30 A.M. until 5:00 P.M. These copies of the amendments are being made available for review in accordance with federal requirements at 42 CFR 447.205.

These proposed amendments may have an impact on small businesses, small municipalities, and not for profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80, 1-85]. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Hospitals

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B) Reporting, bookkeeping or other procedures required for compliance:
None

C) Types of professional skills necessary for compliance: None

3) State reasons for this rulemaking if it was not included in either of the two most recent regulatory agendas: The reasons for this rulemaking are fully described above in the complete description of the subjects and issues involved. This rulemaking was not anticipated by the Department when the two most recent regulatory agendas were published.

The full text of the Proposed Amendments is identical to the text of the Emergency Amendments which appears in this issue of the Register on page _____.

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Long Term Care Reimbursement Changes

2) Code Citation: 89 Ill. Adm. Code 153

3) Section Numbers: Proposed Action:

153.100

Amendment

153.150

Repeal

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, par. 12-13) (305 ILCS 5/12-13)

5) Complete Description of the Subjects and Issues Involved: The Department of Public Aid is proposing changes to Section 153.100 to maintain rates of reimbursement for long term care services at the levels which have been effective since January 18, 1994. The maintenance of rates will continue through June 30, 1996, and will affect nursing homes, facilities for persons with developmental disabilities, and developmental training facilities. Several exceptions to the rate maintenance provisions are detailed in the rules. Two such exceptions are being added to recognize changes in ownership between non-profit facilities and profit facilities and vice versa in which real estate taxes are paid or not paid by the previous owner (depending on whether the facility changing ownership was a non-profit or profit facility) and to recognize additional expenditures related to facility and service improvements undertaken in facilities which experienced a change of ownership during a specified period of time prior to January 18, 1994. These cost containment measures are necessary to permit the Department to continue to purchase long term care services in a prudent and cost effective manner, and to prevent excessive and unnecessary expenditures.

The Department is also repealing Section 153.150 as specified by the intent to automatically repeal, effective June 30, 1995, which is found in subsection (g). Quality assurance (QA) reviews in nursing facilities will therefore be eliminated. The elimination of QA reviews is necessary due to Department staffing needs in response to new long term care initiatives.

The continued maintenance of rates in long term care facilities is not expected to result in any budgetary changes. However, it is anticipated that the new provisions regarding changes in ownership, will result in an annual expenditure of approximately \$3.1 million.

6) Will these proposed amendments replace emergency amendments currently in effect? Yes

7) Does this rulemaking contain an automatic repeal date? Yes

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- 3) Do these proposed amendments contain incorporations by reference? No
- 4) Are there any other proposed amendments pending on this Part? Yes

Sections	Proposed Action	Illinois Register Citation
153.100	Amendment	March 24, 1995 (19 Ill. Reg. 4331)
153.150	Amendment	March 24, 1995 (19 Ill. Reg. 4331)

- 10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

- 11) Time, Place, and Manner in which Interested Persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to Joanne Jones, Bureau of Rules and Regulations, Illinois Department of Public Aid, 100 South Grand Ave., E., 3rd Floor, Springfield, Illinois 62762 (Phone: (217) 524-3215). The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

Any interested persons may review these amendments at the Department of Public Aid's local offices located in each county (except Cook County). In Cook County, the amendments may be reviewed at the Office of the Director, Illinois Department of Public Aid, 310 South Michigan Avenue, Suite 1700, Chicago, Illinois. The amendments may be reviewed at all offices Monday through Friday from 8:30 A.M. until 5:00 P.M. These copies of the amendments are being made available for review in accordance with federal requirements at 42 CFR 447.205.

These proposed amendments may have an impact on small businesses, small municipalities, and not for profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80, 1-85]. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

- 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Nursing homes, facilities for persons with

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developmental disabilities, and developmental training agencies.

- B) Reporting, bookkeeping or other procedures required for compliance: None

- C) Types of professional skills necessary for compliance: None

- 13) State reasons for this rulemaking if it was not included in either of the two most recent regulatory agendas: The reasons for this rulemaking are fully described above in the complete description of the subjects and issues involved. This rulemaking was not anticipated by the Department when the two most recent regulatory agendas were published.

The full text of the Proposed Amendments is identical to the text of the Emergency Amendments which appears in this issue of the Register on page 10238

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NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
140.500	Amendment
140.504	Amendment
140.505	Repeal
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, par. 12-13) (305 ILCS 5/12-13)
- 5) Complete Description of the Subjects and Issues Involved: These proposed amendments are being filed in conjunction with related amendments to 89 Ill. Adm. Code 104, Practice in Administrative Hearing. The amendments provide changes in the Department's policies and procedures regarding the cessation of payment because of termination of a long term care facility from participation in the Medical Assistance Program. These changes allow the Department, in the case of nursing facilities, to cease payments effective with the date of termination established, regardless of the status of the hearing process. However, the amendments contain provisions for the continuation of payment, at the Department's sole discretion, when there are circumstances affecting the health, safety, and welfare of the long term care facility's resident population, which justify continued payment.
- These proposed amendments conform with federal regulations found at 42 CFR 441.11, which states must implement effective July 1, 1995. These federal regulations impose a limitation on the payment of federal matching funds (FFP) for nursing facility services following a notice to the facility of the intent to terminate. The budget reduction initiatives contained in Public Act 89-21 allow the Department to cease facility payments prior to the conclusion of the hearing process, and comply with federal regulations.
- It is anticipated that these proposed amendments will result in the elimination of FFP loss that occurs when payments to nursing facilities continue beyond the date of termination. During the first three quarters of fiscal year 1995, 54 million in FFP was lost on that basis.
- 6) Will these proposed amendments replace emergency amendments currently in effect? Yes
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No

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- 9) Are there any other proposed amendments pending on this Part? Yes

<u>Sections</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
140.3	Amendment	June 23, 1995 (19 Ill. Reg. 3066)
140.5	Amendment	June 23, 1995 (19 Ill. Reg. 3066)
140.27	Amendment	May 5, 1995 (19 Ill. Reg. 6268)
140.80	Amendment	March 17, 1995 (19 Ill. Reg. 3248)
140.80	Amendment	March 24, 1995 (19 Ill. Reg. 4337)
140.80	Amendment	July 7, 1995 (19 Ill. Reg. 8938)
140.82	Amendment	March 17, 1995 (19 Ill. Reg. 3248)
140.82	Amendment	March 24, 1995 (19 Ill. Reg. 4337)
140.82	Amendment	July 7, 1995 (19 Ill. Reg. 8938)
140.84	Amendment	March 17, 1995 (19 Ill. Reg. 3248)
140.84	Amendment	March 24, 1995 (19 Ill. Reg. 4337)
140.84	Amendment	July 7, 1995 (19 Ill. Reg. 8938)
140.440	Amendment	July 7, 1995 (19 Ill. Reg. 8938)
140.443	Amendment	July 7, 1995 (19 Ill. Reg. 8938)
140.444	Amendment	July 7, 1995 (19 Ill. Reg. 8938)
140.445	Amendment	July 7, 1995 (19 Ill. Reg. 8938)
140.446	Amendment	July 7, 1995 (19 Ill. Reg. 8938)
140.447	Amendment	July 7, 1995 (19 Ill. Reg. 8938)
140.461	Amendment	June 16, 1995 (19 Ill. Reg. 7806)
140.642	Amendment	April 14, 1995 (18 Ill. Reg. 5397)

- 10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

- 11) Time, Place, and Manner in which Interested Persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to Joanne Jones, Bureau of Rules and Regulations, Illinois Department of Public Aid, 100 South Grand Ave., 3rd Floor, Springfield, Illinois 62762 (Phone: (217) 524-3215). The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act (5 ILCS 100/5-40).

These proposed amendments may have an impact on small businesses, small municipalities, and not for profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act (5 ILCS 100/1-75, 1-80, 1-85). These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act (5 ILCS 100/5-30). These entities shall indicate their status as small businesses, small municipalities, or not for profit

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corporations as part of any written comments they submit to the Department.

2) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Long term care facilities

B) Reporting, bookkeeping or other procedures required for compliance:
None

C) Types of professional skills necessary for compliance: None

13) State reasons for this rulemaking if it was not included in either of the two most recent regulatory agendas: The reasons for this rulemaking are fully described above in the complete description of the subjects and issues involved. This rulemaking was not anticipated by the Department when the two most recent regulatory agendas were published.

The full text of the Proposed Amendments is identical to the text of the Emergency Amendments which appears in this issue of the Register on page 10254

DEPARTMENT OF PUBLIC AID

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Practice in Administrative Hearings

2) Code Citation: 89 Ill. Adm. Code 104

3) Section Numbers: Proposed Action:

104.208 Amendment

104.210 Amendment

104.270 Amendment

104.273 Amendment

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, par. 12-13) (305 ILCS 5/12-13)

5) Complete Description of the Subjects and Issues Involved: These proposed amendments to the Department's rules affect the administrative hearing process for vendors who participate in the Medical Assistance Program. The amendments add new provisions pertaining to the hearing rights of long term care facilities when responding to joint action by the Department and the Department of Public Health (DPH), of the Department's intent to terminate, suspend or deny the provider agreement, and of DPH's intent to deny certification. The amendments allow the Department to cease payments to nursing facilities, to terminate the hearing process, regardless of the termination established, regardless of the date of the hearing process.

These proposed amendments conform with federal regulations found at 42 CFR 441.11, which states must implement effect July 1, 1995. These federal regulations impose a limitation on the payment of federal matching funds (FFP) for nursing facility services following a notice to the facility of the intent to terminate. The budget reduction in initiatives contained in Public Act 89-21 allow the Department to use facility payments prior to the conclusion of the hearing process and comply with federal regulations.

It is anticipated that these proposed amendments will result in the elimination of FFP loss that occurs when payments to nursing facilities continue beyond the date of termination. During the first three quarters of fiscal year 1995, \$4 million in FFP was lost on that basis.

6) Will these proposed amendments replace any amendments currently in effect? Yes

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference?

9) Are there any other proposed amendments pending on this Part? No

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NOTICE OF PROPOSED AMENDMENTS

- 10) Statement of Statewide Policy Objectives: These proposed amendments do not affect units of local government.

11) Time, Place, and Manner in which Interested Persons may comment on this proposed rulemaking: Any interested parties may submit comments, data, views, or arguments concerning this proposed rulemaking. All comments must be in writing and should be addressed to Joanne Jones, Bureau of Rules and Regulations, Illinois Department of Public Aid, 100 South Grand Ave., 3rd Floor, Springfield, Illinois 62762 (Phone: (217) 524-3215). The Department requests the submission of written comments within 30 days after the publication of this notice. The Department will consider all written comments it receives during the first notice period as required by Section 5-40 of the Illinois Administrative Procedure Act [5 ILCS 100/5-40].

These proposed amendments may have an impact on small businesses, small municipalities, and not for profit corporations as defined in Sections 1-75, 1-80 and 1-85 of the Illinois Administrative Procedure Act [5 ILCS 100/1-75, 1-80, 1-85]. These entities may submit comments in writing to the Department at the above address in accordance with the regulatory flexibility provisions in Section 5-30 of the Illinois Administrative Procedure Act [5 ILCS 100/5-30]. These entities shall indicate their status as small businesses, small municipalities, or not-for-profit corporations as part of any written comments they submit to the Department.

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: Long term care facilities
- B) Reporting, bookkeeping or other procedures required for compliance: None

- C) Types of professional skills necessary for compliance: None

13) State reasons for this rulemaking if it was not included in either of the two most recent regulatory agendas: The reasons for this rulemaking are fully described above in the complete description of the subjects and issues involved. This rulemaking was not anticipated by the Department when the two most recent regulatory agendas were published.

The full text of the Proposed Amendments is identical to the text of the Emergency Amendments which appears in this issue of the Register on page **10270**

COMMISSIONER OF SAVINGS AND RESIDENTIAL FINANCE

NOTICE OF PROPOSED AMENDMENT

- 1) Heading of the Part: Savings Bank Act
- 2) Code Citation: 38 Ill. Adm. Code 1075
- 3) Section Numbers: Proposed Action:
1075.1965 Amendment
- 4) Statutory Authority: Implemented and authorized by the Savings Bank Act (Ill. Rev. Stat. 1991, ch. 17, pars. 7301-1 et seq.) [205 ILCS 205].
- 5) A Complete Description of the Subjects and Issues Involved: This proposed rulemaking is necessary to amend the savings bank rule governing repurchase of conversion stock by converted savings banks. Reasons underlying this request are as follows:

A recent application to repurchase stock revealed oversights in drafting or printing of Section 1075.1965. The provisions that were promulgated are in disorder. As a result, the rule may not be fully interpreted. The proposed amendments would allow the Agency to respond properly to the application.

Due to action at the federal level, the current rule disadvantages recently converted IL savings banks (as compared to federal and IL thrifts and probably other states' savings banks). The FDIC is permitted to approve 5% or less stock repurchases during the first year after the conversion where it is in the best interests of the savings bank and its shareholders. Our regulation currently does not permit this type of repurchase. Consequently, our regulation is less responsive to legitimate business purposes than that of the savings bank's federal regulator and insurer, the FDIC. This contradicts the Agency's general interest to promulgate stock conversion regulations that are not more burdensome than federal requirements. The proposed Amendment would eliminate this disadvantage.

The Agency has received an application to repurchase stock from a holding company of a savings bank. The application proposed to make open-market purchase of the company's stock up to 5% of the issued and outstanding stock. This application merits timely review. The application received was also the first savings bank to convert under the current regulatory regime. Its application may be followed by other applications from other recently converted savings banks.

As amended, Section 1075.1965 would prohibit a converted savings bank from repurchasing conversion stock within one year of the conversion, except that the savings bank may repurchase up to 5% of the stock if the Commissioner finds that the repurchase would not adversely affect the savings bank or be inequitable to stock holders and is undertaken for legitimate business reasons.

COMMISSIONER OF SAVINGS AND RESIDENTIAL FINANCE

NOTICE OF PROPOSED AMENDMENT

6) Will this rulemaking replace any emergency rulemaking currently in effect?
Yes

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this part? No

10) Statement of Statewide Policy Objectives: This rule will not affect local government.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested parties should submit written comments or views concerning the proposed rulemaking to the attention of:

Mr. Jay R. Stevenson, Chief Deputy Commissioner
Office of the Commissioner of Savings and Residential Finance
500 East Monroe, Suite 800
Springfield, Illinois 62701-1509
Telephone: (217) 782-6169

The Agency will consider all written comments it receives in writing within 45 days of the date of publication of the *Illinois Register*.

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: June 29, 1995

B) Types of small businesses, small municipalities and not for profit corporations affected: None

C) Reporting, bookkeeping or other procedures required for compliance:
None

D) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: July 1995

The full text of the Proposed Amendment is identical to the text of the Emergency Amendments which appears in this issue of the Register on page

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DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED REPEAL

1) Heading of the Part: Minority Contractors

2) Code Citation: 14 Ill. Adm. Code 645

3) Section Numbers: Proposed Action:

645.10	Repeal
645.20	Repeal
645.30	Repeal
645.40	Repeal
645.50	Repeal

4) Statutory Authority: Implementing and authorized by the Illinois Purchasing Act [30 ILCS 505].

5) A complete description of the subjects and issues involved: This Part established procedures for assisting contractors in meeting their MBE goal and for obtaining a modification or waiver of the use of minority subcontractors if a good faith effort was made by the contractor to comply with the goal. In addition, this Part established hearing procedures in the case of noncompliance to determine whether the general contractor utilized good faith efforts to secure minority contractors. This Part is being repealed because the provisions are obsolete, and federally approved provisions are currently contained in the construction contract. An administrative rule is no longer needed.

6) Will this proposed rulemaking replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed repealer contain incorporations by reference? No

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: No effect because federally approved procedures are currently part of the construction contract.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested party may submit written comments or arguments concerning this proposed rule. Written submissions shall be filed with:

Mr. Jon E. Tweedt, Deputy Chief Counsel
Illinois Department of Transportation
Office of Chief Counsel, Room 300
Springfield, Illinois 62764
(217) 782-3215

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED REPEALER

Comments received within forty-five days of the date of publication of this *Illinois Register* will be considered. Comments received after that time will be considered, time permitting.

- 12) Initial Regulatory Flexibility Analysis: No effect because federally approved procedures are currently part of the construction contract.
- 13) State reason(s) for this rulemaking if it was not included in either of the two (2) most recent regulatory agendas: This rulemaking was included in the Department's July 1995 agenda.

The full text of the Proposed Repealer begins on the next page:

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED REPEALER

TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT AND PROPERTY MANAGEMENT
SUBTITLE B: SUPPLEMENTAL PROCUREMENT RULES
CHAPTER IX: DEPARTMENT OF TRANSPORTATION

PART 645

MINORITY CONTRACTORS (REPEALED)

Section	Minority Contractor List
645.10	Availability of Minority Contractors
645.20	Preconstruction Waiver
645.30	Material Breach by Subcontractor
645.40	Final Review of Contract
645.50	

AUTHORITY: Implementing and authorized by the Illinois Purchasing Act [30 ILCS 505].

SOURCE: Peremptory rule adopted at 2 Ill. Reg. 32, p. 29, effective August 18, 1978; codified at 8 Ill. Reg. 12696; repealed at 19 Ill. Reg. _____, effective _____.

Section 645.10 Minority Contractor List

The Illinois Department of Transportation (hereinafter, "Department") shall periodically send to all pre-qualified contractors for highway improvement contracts, a list of minority firms, identifying the firms by name, address, type of work that each firm desires to perform, and the area of the State in which the firm primarily wishes to work.

Section 645.20 Availability of Minority Contractors

If a general contractor is awarded a Department highway improvement contract containing the Special Provision concerning use of minority subcontractors (hereinafter, "Special Provision") he may submit a written request to the Department for assistance in locating minority contractors. The Department shall locate minority contractors for the contract work. If within fifteen (15) days of receipt of the request the Department is unable to locate enough minority contractors to comply with the Special Provision, the Secretary of the Department shall immediately modify the Special Provision so that the goal equals the amount of work for which minority contractors have been located by the Department.

Section 645.30 Preconstruction Waiver

- a) Request for Modification or Waiver. At or before the preconstruction conference, the general contractor may make a written request for modification or waiver of the Special Provision. The written request

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED REPEALER

shall be accompanied by all supporting information indicating why the Special Provision should be modified or waived.

- b) Recommended Response. Upon receipt of a written request for modification or waiver of the Special Provision the Department shall forward to its Equal Employment Opportunity Officer, Bureau of Construction, (hereinafter "the Officer") the written request and all supporting information. The Officer shall analyze the written request and all supporting information. The Officer shall, within ten (10) business days (excluding weekends and holidays) recommend in writing to the Bureau Chief, Bureau of Construction (hereinafter "the Chief") to accept or deny, in whole or in part the request. The recommendation shall be accompanied by all supporting information.

- c) Decision on Preconstruction Request. The Chief shall review the request of the contractor and the recommendation of the Officer. If the Chief determines that the contractor has utilized good faith efforts to secure the ready, willing and able minority contractors (hereinafter, "minority contractors") necessary to comply with the Special Provision; and that minority contractors are not reasonably available to perform on the project, or that some other reason exists for waiver or modification of the Special Provision, he or she shall modify or waive the Special Provision, and advise the contractor by registered or certified mail, as appropriate. Failure of the Chief to mail notification of the decision within twenty (20) business days of receipt of the request shall be deemed concurrence in the request. If the Chief denies the request, or modifies the Special Provision in a manner other than that requested, the Chief shall forward his decision and all supporting information to the contractor by registered or certified mail within twenty (20) business days of receipt of the request.

- d) Department Assistance in Compliance. If the Chief does not waive the Special Provision or modifies the Special Provision in a manner other than that requested, the Department shall make reasonable and diligent efforts to assist the general contractor to satisfy the Special Provision, and shall identify minority contractors available to perform for the general contractor.

Section 645.40 Material Breach by Subcontractor

- a) Claim of Breach. If the general contractor claims a material breach of contract of an extreme nature by a minority subcontractor, and such alleged material breach of contract would impair the general contractor's ability to comply with the Special Provision, the general contractor shall inform the Chief in writing of the alleged material breach, and of efforts utilized by the general contractor prior to declaring a material breach, to obtain compliance by the minority subcontractor with the subcontract. The general contractor may request, in writing, that the Chief immediately modify or waive the Special Provision.

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- b) Determination of Breach. If after receiving the written request, the Chief decides that a minority subcontractor has materially breached its contract with the general contractor, the Chief shall modify or waive the Special Provision to the extent that the material breach impairs the general contractor's ability to comply with the Special Provision and advise the contractor by registered or certified mail. Failure of the Chief to mail notification of the decision within ten (10) business days of receipt of said request shall be deemed concurrence in the request for modification or waiver. If the Chief denies the request, or modifies the Special Provision in a manner other than that requested, the Chief shall forward his or her decision and all supporting information to the general contractor by registered or certified mail within ten (10) business days. A decision by the Chief regarding whether a material breach has occurred shall be for the sole purpose of determining whether to waive or modify the Special Provision, and shall be used for no other purpose.

- c) Breach as Defense to Sanctions. The defense of material breach of contract of any sort by a minority subcontractor shall be available to the general contractor in proceedings for sanctions pursuant to Section 645.50; provided, however, that if such defense is raised by the general contractor, a decision by the Secretary regarding whether a material breach has occurred shall be for the sole purpose of determining compliance by the general contractor with the Special Provision, and shall be used for no other purpose.

Section 645.50 Final Review of Contract

- a) Compliance Report. Before final payment is made on any Department highway improvement contract containing the Special Provision, the general contractor shall submit a report to the Officer describing compliance with the Special Provision. If the general contractor has complied with the Special Provision, the Officer shall not object to the general contractor receiving the entire price of the contract. If the general contractor has not achieved the goal of the Special Provision, the general contractor may submit to the Officer all information which shows or tends to show good faith efforts to secure minority contractors necessary to comply with the Special Provision, or that some other reason exists for waiver or modification of the Special Provision.
- b) Waiver or Modification. If the Officer agrees that the general contractor has utilized good faith efforts to secure the minority contractors necessary to comply with the Special Provision or that some other reason exists for waiver or modification of the Special Provision, the Officer shall not object to the general contractor receiving the entire price of the contract. If the Officer does not object, no sanctions shall be imposed by the Department against the general contractor for failure to comply with the Special Provision.
- c) Officer's Determination of Noncompliance. If the Officer does not

DEPARTMENT OF TRANSPORTATION

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agree that the general contractor has utilized good faith efforts to secure the minority contractors necessary to comply with the Special Provision or that some other reason exists for waiver or modification of the Special Provision, the Officer shall compile all information supporting or tending to support this determination. The Officer shall then notify the general contractor by registered or certified mail of the determination and shall provide the general contractor with all information supporting or tending to support the determination. Failure of the Officer to mail notification of this determination to the general contractor within twenty (20) business days of receipt of the general contractor's report shall be deemed a waiver of any objection related to compliance with the Special Provision to payment of the contract price. The Officer shall notify the Secretary of the Department of the determination. Sanctions imposed against the general contractor by the Department for failure to comply with the Special Provision shall be based on timely objections of the Officer.

d) Request for Hearing: Hearing Officer. The general contractor shall have ten (10) business days from receipt of the Officer's notification, to request a hearing. Upon receipt by the Secretary of the general contractor's written request for a hearing, the Secretary shall appoint a hearing officer. The Officer shall promptly provide to the hearing officer all information concerning the position of the general contractor and the Officer's determination. If the general contractor does not request a hearing within ten (10) business days, the Department may proceed with the application of sanctions.

e) Hearing Procedure. The hearing officer shall review all pertinent information received from the Officer. Upon reasonable notice to the general contractor and to the Officer, the hearing officer shall conduct a hearing within forty-five (45) days of receipt of the information from the Officer. At the hearing, the Department and the general contractor shall have the right to be represented by counsel, to call witnesses, to examine and cross-examine witnesses, to present exhibits, to compel the production of documents by the opposing party, to have all testimony transcribed under oath, and to make all arguments relevant to the position of the general contractor and the Officer. The hearing shall be for the sole purpose of determining whether the general contractor has utilized good faith efforts to secure the ready, willing and able minority contractors necessary to comply with the Special Provision, or whether some other reason exists for waiver or modification of the Special Provision. The defense of material breach shall be considered by the hearing officer in making the findings.

f) Final Decision by Secretary. Within thirty (30) business days of the hearing, the hearing officer shall forward to the Secretary proposed findings as to whether the general contractor has utilized good faith efforts to secure the minority contractors necessary to comply with the Special Provision, or whether some other reason exists for waiver

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or modification of the Special Provision; and recommendations as to whether all, or any portion of the sanctions provided for failure to comply with the requirements of the Special Provision, should be applied to the general contractor. Upon receipt of such findings and recommendations the Secretary shall make a final decision as to whether the general contractor has utilized good faith efforts to secure the minority contractors necessary to comply with the Special Provision, or whether some other reason exists for waiver or modification of the Special Provision; and as to the amount of the sanctions, if any, to be applied. The Secretary or his or her designee shall send written notice of the final decision to the general contractor by registered or certified mail.

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Illinois State Fair, and DuQuoin State Fair, Non-Fair Space Rental and the General Operation of the State Fairgrounds
- 2) Code Citation: 8 Ill. Adm. Code 270
- 3) Section Numbers: Adopted Action:
- | | |
|---------|---------|
| 270.10 | Amended |
| 270.20 | Amended |
| 270.60 | Amended |
| 270.70 | Amended |
| 270.185 | Amended |
| 270.255 | Amended |
| 270.310 | Amended |
| 270.315 | Amended |
| 270.685 | Amended |

- 4) Statutory Authority: State Fair Act [20 ILCS 210] (see P.A. 88-5, effective June 8, 1993); Section 40.14 and Section 16 of the Civil Administrative Code of Illinois [20 ILCS 5/16 and 40.14].

- 5) Effective Date of amendments: June 29, 1995

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does this proposed amendment contain incorporations by reference? No

- 8) Date Filed in Agency's Principal Office: June 28, 1995

- 9) Notices of Proposal Published in Illinois Register: April 21, 1995, 19 Ill. Reg. 5894

- 10) Has JCAR issued a Statement of Objections to these rules? No

- 11) Differences between proposal and final version: Non-substantive editorial corrections were made.

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

- 13) Will this amendment replace an emergency amendment in effect? No

- 14) Are there any amendments pending on this Part? No

- 15) Summary and Purpose of amendments: Due to reorganization within the Department, the name of the division (Division of Fairs and Promotions) has been updated in several sections of the rules. In Section 270.185, a lessee's employee who will be working in a food or drink stand or dining hall and is suspected of having a communicable disease will be requested

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

to submit to a health examination or provide other medical information to the Department as necessary. In Section 270.255, information to be printed in the premium books has been expanded to include disqualification requirements of entries. In Section 270.310, the Department will allow motorcycles on the grounds during the fair with the proper admission fee and in a specified parking area.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Name: Debbie Wakefield
Address: Illinois Department of Agriculture
State Fairgrounds, Springfield,
Illinois 62794-9281
Telephone: 217/785-5713 FAX: 217/785-4505

The full text of Adopted Amendments begins on the next page:

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER 1: DEPARTMENT OF AGRICULTURE
SUBCHAPTER j: FAIRS

PART 270

ILLINOIS STATE FAIR, AND DUQUOIN STATE FAIR,
NON-FAIR SPACE RENTAL AND THE GENERAL
OPERATION OF THE STATE FAIRGROUNDS

SUBPART A: DEFINITIONS: POLICY: VIOLATION

Section

270.10 Definitions

270.15 Policy

270.20 Violation of Rules: Administrative Hearings

SUBPART B: CONCESSIONS AND EXHIBITS AT THE STATE FAIR

Section

270.25 Categories of Exhibits

270.30 Privilege to Operate a Concession or Exhibit

270.35 Application for Reassignment of Space

270.40 New Applications for Space Rental

270.45 Substitute Locations or Discontinuance of Contracts

270.50 Reassignment of Space by Department

270.55 Number of Stands Permitted

270.60 Policy Governing Exhibits/Concessions and Approval to Conduct Business

270.65 Policy of Permitting Space Without Monetary Charge

270.70 Exercising Constitutional Freedoms

270.75 Assignment of Contracts

270.80 Inspection of Premises

270.85 Removal or Denial of Acceptance

270.90 Concessions and Exhibits Prohibited

270.95 Liquefied Petroleum Gas

270.100 Merchandising Permits

270.105 Measuring Space

270.110 Electricity

270.115 Broadcasting Devices

270.120 Display of Exhibit or Concession Number

270.125 Protection of the Public and Lessee's Property

270.130 Distributing Literature or Display Advertising

270.135 Payment of Space Rental Contract

270.140 Operational Hours

270.145 Sales Prior to the State Fair

270.150 Sales During the State Fair

270.155 Property Shipped to the State Fair

270.160 Removal of Property

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NOTICE OF ADOPTED AMENDMENTS

270.165 Gambling, Raffles, Prizes, Games of Chance, Intoxicating Beverages
270.170 Inside Exhibits
270.175 Posting Food Prices
270.180 Clean-Up
270.185 Public Health
270.190 Food and/or Drink Service Operations
270.195 Release Procedure
270.200 Security
270.205 Liability
270.210 Concessionaire's or Exhibitor's Trailers
270.215 Failure to Abide by Rules or Contract Provisions
270.220 Lessee's General Standard of Conduct
270.221 Emergency Closing

SUBPART C: HORSE RACING AT THE STATE FAIR

Section

270.225 Categories of Horse Racing

270.230 State Fair Colt Stakes Races

270.235 Review Futurity Races

270.240 Illinois Trotting and Pacing Colt Races

270.245 Quarter Horse Races

SUBPART D: PREMIUMS AND RULES GOVERNING EXHIBITS OR EVENTS

Section

270.250 Premiums Offered

270.255 Premium Books

270.260 Payment of Premiums

270.261 Land of Lincoln Breeders Awards for Purebred or Registered Livestock

SUBPART E: JUDGES: STATE FAIR

Section

270.265 Professional and Artistic Contracts

270.270 Judge's Salary

270.275 Selection of Judges

SUBPART F: CERTIFICATES OF AWARD: STATE FAIR

Section

270.280 Certificates, Ribbons and Trophies

SUBPART G: FEES FOR ADMISSION TO THE STATE FAIR

Section

270.285 Daily Admission Charge

270.290 Special Events

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270.295 Designated Days
 270.300 Gate Admission Charge Waived
 270.305 Schedule of Admission Charges and Fees
 270.310 Admission of Motor Vehicles
 270.315 Employees of Exhibitor/Concessionaire

SUBPART H: TRAFFIC CONTROL, PARKING AND CAMPING: STATE FAIR

Section
 270.320 Camping Location
 270.325 Fee for Camping
 270.330 Camping Sticker
 270.335 Removal of Illegally Parked Vehicles
 270.340 Extension Cords
 270.345 Traffic Control and Parking; Spraying Livestock Trucks

SUBPART I: MISCELLANEOUS RULES GOVERNING THE OPERATION OF THE STATE FAIR

Section
 270.350 Pets
 270.355 Structures of Lessee
 270.360 Restrictions
 270.365 Intoxicating Beverages
 270.370 Grandstand Ticket Refunds
 270.371 Leasing Facilities During the State Fair

SUBPART J: NON-FAIR SPACE RENTAL:
BASIC RULES APPLICABLE TO ALL RENTALS

Section
 270.375 Non-Fair Availability Dates
 270.380 Application for Space
 270.385 Reassignment
 270.390 Compliance with State Law and Regulations
 270.395 Removal Rights or Denial of Acceptance
 270.400 Assigned Space
 270.405 Inspection
 270.410 Payment
 270.415 Tickets
 270.420 Facility Availability
 270.425 Parking
 270.430 Security
 270.435 Fire Regulations
 270.440 Tables and Chairs
 270.445 Clean-Up
 270.450 Alterations
 270.455 Insurance

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NOTICE OF ADOPTED AMENDMENTS

270.460 Discrimination
 270.465 Camping
 270.470 Concessions
 270.475 Delinquency
 270.480 Gambling, Raffles, Prizes, Games of Chance, Intoxicating Beverages
 270.485 Non-Exclusivity
 270.490 Lessee's General Standard of Conduct
 270.495 Criteria for Grant of Privileges
 270.500 Waiver of Applicable Rules (Repealed)
 270.505 Rate Schedules
 270.510 Limit on Duration of Contract
 270.515 Liquified Petroleum Gas

SUBPART K: NON-FAIR CONCESSIONS

Section
 270.520 Renter Rights (Repealed)
 270.525 Contract
 270.530 Interests of the Public
 270.535 Liability
 270.540 Health Laws
 270.545 Rates
 270.550 Inspection
 270.555 Payment Due

SUBPART L: CAMPING: NON-FAIR

Section
 270.560 Who May Camp
 270.565 Location
 270.570 Fee
 270.575 Camping Facilities
 270.580 Sticker
 270.585 Penalty
 270.590 Extension Cords

SUBPART M: HOUSE TRAILERS: NON-FAIR

Section
 270.595 Eligibility
 270.600 Misconduct
 270.605 Liability
 270.610 Rent and Rates For Other Services
 270.615 Payment Method

SUBPART N: HORSE OR CATTLE BARN, STALL AND
TACK ROOM RENTAL: NON-FAIR

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Section	Rates
270.620	Rent Payable
270.625	General Stabling Rules: (Non-Contractual Events)
270.630	Reporting
270.635	Lessee Collection of Fees
270.640	Stall Use
270.645	Restriction to Assigned Space
270.650	Trailer Storage
270.655	Inspection
270.660	Restrictions
270.665	Quarantine Provisions
270.670	Dogs
270.675	General Misconduct
270.680	Track Usage
270.685	Restrictions on Barn Use
270.690	

AUTHORITY: Implementing and authorized by the State Fair Act (20 ILCS 210) (see P.A. 88-5, effective June 8, 1993); implementing Section 40.14 and authorized by Section 16 of the Civil Administrative Code of Illinois (20 ILCS 5/16 and 40.14).

SOURCE: Adopted at 4 Ill. Reg. 25, p. 34, effective June 11, 1980; amended at 5 Ill. Reg. 1332, effective January 29, 1981; codified at 5 Ill. Reg. 10532; amended at 6 Ill. Reg. 8958, effective July 9, 1982; amended at 8 Ill. Reg. 6103, effective April 25, 1984; emergency amendments at 10 Ill. Reg. 13370, effective July 28, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 14282, effective August 20, 1986; amended at 10 Ill. Reg. 20468, effective November 26, 1986; amended at 11 Ill. Reg. 2228, effective January 20, 1987; amended at 15 Ill. Reg. 455, effective January 2, 1991; amended at 18 Ill. Reg. 9400, effective June 12, 1994; amended at 19 Ill. Reg. **9400**, effective

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SUBPART A: DEFINITIONS: POLICY: VIOLATION

Section 270.10 Definitions

Unless the context otherwise requires, the terms shall have the following meanings:

"Authorized vehicle" is an on-road or off-road vehicle operated by the Department of Agriculture.

"Concessionaire/Commercial Exhibitor" means any person selling directly to the public or taking orders for future sales pursuant to an annual space rental contract.

"Division" means the Division of Fairs and Promotions Horse--Racing,

DEPARTMENT OF AGRICULTURE

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Department of Agriculture, State Fairgrounds, Springfield, Illinois 62794-9281 62796.

"Exhibitor" means any person who displays his/her goods, displays his/her person, or distributes information and is not engaged in sales pursuant to an annual space rental contract, or participates in programs offered by the Department.

"Person" means any individual, partnership, corporation, association, governmental or religious entity.

"Space Rental Contract" means a written contract entered into between the person(s) desiring to put on an exhibit or operate a concession and the Department.

"Space Rental office" means the office in charge of space rental, Division of Fairs and Promotions Horse--Racing, Department of Agriculture, State Fairgrounds, Springfield, Illinois 62794-9427 62796 or the office in charge of space rental for the DuQuoin State Fair, Division of Fairs and Promotions Horse--Racing, Department of Agriculture, Fairgrounds, DuQuoin, Illinois 62832.

"Special Agreement" means a multiple year or single year lease subject to a negotiated rate. This type of agreement would include persons building permanent structures, multiple year off season rentals, single or multiple year fair-time leases, etc.

"State Fair" means the annual event that is held at Springfield or the annual event that is held at DuQuoin for the purposes as set forth in Section 270.15.

"State Fairgrounds" means all the land and water areas, including all buildings and facilities located thereon, known as the State Fairgrounds at Springfield or DuQuoin.

"Superintendent of the Division of Fairs and Promotions Horse--Racing" means the Superintendent of the Division of Fairs and Promotions Horse Racing, Department of Agriculture, State Fairgrounds, Springfield, Illinois 62794-9281 62796.

(Source: Amended at 19 Ill. Reg. **9400**, effective **JUN 29 1995**)

Section 270.20 Violation of Rules: Administrative Hearings

at Vendors--concessionaires--exhibitors--and persons--renting-space-or using-facilities-at-the-State-fairgrounds-who-violate-the-rules--and regulations-adopted-by-the-Department-to-govern-the-operation-of-these

DEPARTMENT OF AGRICULTURE

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activities--shall be guilty of a business offense--(Section 13-of-the State-Fair-Act--111-Rev-Stat-1991, ch-127, par-133)--(10-1565 210-134)-

→ All decisions and actions of the Department are subject to the Illinois Administrative Procedure Act (111-Rev-Stat-1991, ch-127, par-101-1-et-seq) (5 ILCS 100) and the Department's Administrative Rules (8 Ill. Adm. Code 1) which pertain pertain to administrative hearings, petitions, proceedings, contested cases, declaratory rulings and availability of Department files for public access. Administrative hearings are governed by the Illinois Administrative Procedure Act and 8 Ill. Adm. Code 1. Subpart B of ~~the Department's Administrative Rules~~.

(Source: Amended at 19 Ill. Reg. 94001, effective JUN 29 1995)

SUBPART B: CONCESSIONS AND EXHIBITS AT THE ILLINOIS STATE FAIR

Section 270.60 Policy Governing Exhibits/Concessions and Approval to Conduct Business

~~The Department recognizes that the State Fair is a proper forum for the free exchange of ideas in a free society. For any person desiring to distribute information and/or solicit contributions on the fairgrounds in the exercise of constitutional freedoms, the Department shall designate an area or areas in which the proposed activities may be conducted. All activities shall be conducted from within, and not from without, the area or areas as designated by the Director, or a designated representative, for such purpose. All persons requesting such space shall apply for space pursuant to Sections 270.35 and 270.40, except that the revenue generating evaluation criteria of those Sections shall not apply. Privilege granted pursuant to this Section shall be provided at no charge. The provisions of Section 270.115 relative to broadcasting devices shall pertain to all persons exercising their constitutional freedoms.~~

(Source: Amended at 19 Ill. Reg. 94001, effective JUN 29 1995)

Section 270.70 Exercising Constitutional Freedoms

~~The Department recognizes that the State Fair is a proper forum for the free exchange of ideas in a free society. For any person desiring to distribute information and/or solicit contributions on the fairgrounds in the exercise of constitutional freedoms, the Department shall designate an area or areas in which the proposed activities may be conducted. All activities shall be conducted from within, and not from without, the area or areas as designated by the Director, or a designated representative, for such purpose. All persons requesting such space shall apply for space pursuant to Sections 270.35 and 270.40, except that the revenue generating evaluation criteria of those Sections shall not apply. Privilege granted pursuant to this Section shall be provided at no charge. The provisions of Section 270.115 relative to broadcasting devices shall pertain to all persons exercising their constitutional freedoms.~~

DEPARTMENT OF AGRICULTURE

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(Source: Amended at 19 Ill. Reg. 94000, effective JUN 29 1995)

Section 270.185 Public Health

A lessee shall be responsible for determining that an employee in a food or drink stand or dining hall does not have or is not suspected of having a communicable disease or does not have sores or skin eruptions which could be detrimental to the public. A suspect may ~~will~~ be requested to submit to a health examination at the first aid station on the State Fairgrounds or provide other medical information to the Department as necessary.

(Source: Amended at 19 Ill. Reg. 94000, effective JUN 29 1995)

SUBPART D: PREMIUMS AND RULES GOVERNING EXHIBITS OR EVENTS

Section 270.255 Premium Books

a) On or before July 1 of each year the Department shall establish and make available ~~upon request to the Division~~ a premium book for each of the categories set in Section 270.250 which shall state the following information:

- 1) Kinds and classes of events or exhibits in each general category;
 - 2) Entry requirements for each event or exhibit;
 - 3) Conditions under which entries shall be received, stalled and cared for, fees and qualification and disqualification requirements; and
 - 4) The amount of premium to be offered in each class. (The amount of premium offered shall be based on approved appropriations.)
- b) When considering the kinds of classes, entry requirements, conditions under which entries shall be received, stalled and cared for, entry fees and qualification and disqualification requirements, the Department shall take into consideration experience of previous Illinois State Fairs and other state fairs, changes in the industry which make it reasonable to adopt new provisions, available facilities, industry recommendations, changes in other classes or events, available appropriations, and any other matter which may affect the event or exhibit.

(Source: Amended at 19 Ill. Reg. 94001, effective JUN 29 1995)

SUBPART G: FEES FOR ADMISSION TO THE STATE FAIR

Section 270.310 Admission of Motor Vehicles

Motor vehicles (autos and trucks) may be admitted to the State Fairgrounds

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provided a vehicle parking permit is purchased. The charge for vehicle admission shall be as set forth in the State Fair Schedule of Fees and Admissions. Bicycles and motorcycles shall not be permitted on the State Fairgrounds, except for competition, demonstration or exhibition purposes. It is the policy of the Department that motorcycles shall be permitted on the grounds pursuant to the payment of the proper admission fee and in a specified parking area only. It is the policy of the Department to keep motor vehicles, except in designated parking areas, to an the absolute minimum to effectively and efficiently operate the State Fair. Golf carts shall obtain a permit.

(Source: Amended at 19 Ill. Reg. 9400, effective JUN 29 1995)

Section 270.315 Employees of Exhibitor/Concessionaire

In order to obtain a commercial admission ticket, employees must furnish proof to the Paid Credentials Office, Division of Fairs and Promotions Horse--Racing, of their employment by a particular exhibitor or concessionaire.

(Source: Amended at 19 Ill. Reg. 9400, effective JUN 29 1995)

SUBPART N: HORSE OR CATTLE BARN, STALL AND TACK ROOM RENTAL: NON-FAIR

Section 270.685 Track Usage

The use of the Coliseum and track(s) is not a guaranteed condition of any contract. The Department will make every effort to keep all facilities in usable condition. Only horses in the barns in the northeast corner of the grounds north of the poultry building and west and south of the trailer park will be permitted to use the mile track or the cinder half mile track. Riding or leading horses on streets except in route to a practice area is prohibited. Only authorized vehicles shall be permitted on the track. Vehicles operated by non-Department personnel must obtain permission from the Superintendent of the Division of Fairs and Promotions Horse--Racing, or a duly authorized representative, to operate a vehicle on the track. Unauthorized vehicles on the track will be cause for cancellation of a contract or lease.

(Source: Amended at 19 Ill. Reg. 9400, effective JUN 29 1995)

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

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- 1) Heading of the Part: Subacute Alcoholism and Substance Abuse Treatment Services
- 2) Code Citation: 77 Ill. Adm. Code 2090
- 3) Section Numbers: Adopted Action:
 - 2090.20 Amended
 - 2090.30 Amended
 - 2090.40 Amended
 - 2090.70 Amended
- 4) Statutory Authority: Section 5-10 of the Illinois Alcoholism and Other Drug Abuse and Dependency Act (20 ILCS 301/5-10)
- 5) Effective Date of Rule(s): July 1, 1995
- 6) Do these rulemakings contain an automatic repeal date? No
- 7) Do these rules contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: June 30, 1995
- 9) Notice(s) of Proposal Published in Illinois Register: March 17, 1995
- 10) Has JCAR issued a Statement of Objections to these rules? Yes
- 11) Difference(s) between proposal and final version: Technical changes have been made as requested by JCAR and the Secretary of State.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rule replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rule(s): The rule is being amended to assure the most cost effective use of government dollars for reimbursing subacute substance abuse treatment services for eligible clients and to assure that core substance abuse services reimbursable by the State continue to be available to the greatest number of persons in need of the services.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Name: Ron Vlasaty
Address: Illinois Department of Alcoholism and Substance Abuse

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James R. Thompson Center
100 West Randolph Street, Suite 5-600
Chicago, Illinois 60601
(312) 814-2301
(312) 419-8432

TDD:

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

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TITLE 77: PUBLIC HEALTH
CHAPTER X: DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE
SUBCHAPTER 9: MEDICAID PROGRAM STANDARDS

PART 2090

SUBACUTE ALCOHOLISM AND SUBSTANCE ABUSE TREATMENT SERVICES

Section	Purpose
2090.10	Definitions
2090.20	Medicaid Enrollment/Bicensure
2090.30	General Requirements
2090.35	Reimbursable Services
2090.40	Utilization Review
2090.50	Recordkeeping
2090.60	Rate Setting
2090.70	Rate Appeals
2090.80	Application and Certification Process
2090.90	Recertification and Inspection
2090.100	Sanctions for Non-Compliance
2090.110	

AUTHORITY: Implementing and authorized by Section 5-10 of the Alcoholism and Other Drug Abuse and Dependency Act [20 ILCS 301/5-10].

SOURCE: Adopted at 11 Ill. Reg. 2236, effective January 14, 1987; emergency amendments at 12 Ill. Reg. 11273, effective June 30, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 20061, effective November 26, 1988; emergency amendments at 15 Ill. Reg. 10222, effective June 25, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 16662, effective November 1, 1991; amended at 16 Ill. Reg. 11807, effective July 14, 1992; amended at 18 Ill. Reg. 14223, effective September 2, 1994; amended at 19 Ill. Reg. 9411, effective JUL 01 1995.

Section 2090.20 Definitions

The following definitions shall apply to this Part:

"Adolescent": A client who has reached his/her twelfth birthday but has not yet reached his/her eighteenth birthday.

"Client": Any person who is eligible to receive services under one of the following categories: Aged, Blind, and Disabled (AABD); Aid to Families with Dependent Children (AFDC); Medical Assistance, No Grant (MANG); Refugee Repatriate Program (RRP); Title XIX eligible Department of Children and Family Services (DCFS) wards; and persons under the age of eighteen who would qualify for AFDC but do not qualify as dependent children pursuant to 89 Ill. Adm. Code 140.7.

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"Clinical Supervision": The review of client treatment cases and the use of other supervisory techniques for the purposes of assuring that a client's clinical needs are met.

"Department": The Illinois Department of Alcoholism and Substance Abuse.

"Drug-free treatment": Treatment service which does not include the use of methadone, levo-alpha-cetylmethadol (LAAM) or other drugs used for substance abuse treatment.

"Follow-up": A Routine scheduled or unscheduled provider contact with a former client that occurs after the client has been discharged, has been previously specified in the client's treatment and discharge plan, and occurs for a period of time and at least at specified intervals. Follow-up is for the purpose of offering the discharged client individual continuing assistance as necessary to maintain and improve upon the clinical goals achieved during treatment.

"Individualized Treatment Plan": A written plan which identifies the care and treatment to be provided to the client based upon documented assessment of his/her individual problems and needs as well as strengths and resources.

"Physician": A person who is licensed to practice medicine in all its branches under the Medical Practice Act of 1987 (411 Rev-Stat-1991r ch-117, par-4400-i-et-seq) [225 ILCS 60].

"Provider": Any public or private agency, organization, or institution, or unit of State or local government or other legal entity licensed to deliver alcoholism or other drug abuse services according to the requirements specified in 77 Ill. Adm. Code 2058 Section-2999-30 and enrolled to provide treatment services under the Illinois Medical Assistance Program.

"Psychiatrist": A person licensed to practice medicine in all its branches under the Medical Practice Act of 1987 (411 Rev-Stat-1991r ch-117, par-4400-i-et-seq) [225 ILCS 60] and who meets the requirements of Section 1-121 of the Mental Health and Developmental Disabilities Code (411 Rev-Stat-1991r ch-91-i-127, par-1-i-121) [405 ILCS 5/1-121].

"Qualified Alcoholism and Other Drug Treatment Professional": A person who has a minimum of 2000 hours of paid formal work experience in the field of alcoholism/substance and/or other drug abuse treatment under clinical supervision including at least 1500 documented hours of direct client service and at least 40 clock hours of formal training in the field of alcoholism/substance and/or other drug abuse

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treatment. The supervised and documented direct client service hours shall include the following alcoholism/substance and/or other drug abuse client services and treatment activities: screening; assessment and evaluation; treatment planning; intervention; referral activities; client education; case management and consultation; clinical recordkeeping; and recovery support. Direct treatment activities shall include clinically supervised experience working with individuals, groups, and families. A qualified alcoholism and other drug treatment professional may also be a physician licensed to practice medicine in all its branches pursuant to the Medical Practice Act of 1987; a person registered as a psychologist pursuant to the Clinical Psychology Practice Act (411 Rev-Stat-1991r ch-117, par-5351) [225 ILCS 15]; a person licensed as a social worker or licensed clinical social worker pursuant to the Clinical Social Work and Social Work Practice Act (411 Rev-Stat-1991r ch-117, par-6951) [225 ILCS 20]; or a person holding a masters or higher level degree in counseling; or a person certified by the Illinois Alcoholism and Other Drug Abuse Professional Certification Association (IAODAPCA) as a "counselor," "reciprocal," "supervisor" or "master" in accordance with Certified Alcohol and Other Drug Abuse Counselor Classifications Eligibility Standards for Certification, January 7, 1992 (available from the IAODAPCA at 1305 Wabash Avenue, Suite L, Springfield, Illinois 62704). In a detoxification service, a qualified treatment professional may also be a person licensed as a registered nurse pursuant to Section-341 of the Illinois Nursing Act of 1987 (411 Rev-Stat-1991r ch-117, par-3503-k) or a licensed practical nurse pursuant to Section-341 of the Illinois Nursing Act of 1987 (411 Rev-Stat-1991r ch-117, par-3503-i) or a person certified as an emergency medical technician pursuant to Section-412 of the Emergency Medical Services (EMS) Systems Act (411 Rev-Stat-1991r ch-117, par-5504-i) or a licensed nurse pursuant to Section-341 of the Illinois Nursing Act of 1987 (411 Rev-Stat-1991r ch-117, par-3503-i) or a person who has completed at least 40 clock hours of formal training in the field of alcoholism or other drug abuse. In the case of a licensee under the Hospital Licensing Requirements (77 Ill. Adm. Code 250) rules, a qualified treatment professional may also be a person determined to be appropriate to deliver the clinical services provided pursuant to by-law rules and regulations approved by the Hospital Governing Board under 77 Ill. Adm. Code 250, Subpart E regarding medical staff and Section-350-2050 regarding medical and professional staff, provided, in accordance with 77 Ill. Adm. Code 250, Subpart W.

"Qualified Alcoholism and Other Drug Treatment Supervisor": A person who, in addition to meeting the requirements for a qualified alcoholism and other drug treatment professional, has at least an additional 4,000 hours of paid work experience in the field of alcoholism/substance and/or other drug abuse treatment and has at least 10 clock hours of formal training in the philosophy and

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techniques of supervision.

"Recommended by a Physician": The physician formulation of, approval of, or involvement in each client's individualized treatment plan within 14 (calendar) days from the date of initial services. The physician shall establish or approve a diagnosis of alcoholism and/or other drug abuse for the services which in order to be reimbursed as a Medicaid service under this Section, ~~must be a diagnosis of alcoholism and/or other drug abuse~~. Evidence of the physician's supervision must be documented by the physician's signed handwritten signature and dated approval of the treatment plan, or a signed and notation indicating concurrence with the plan of treatment in the client's record. ~~The physician must provide a handwritten signature. The program provider shall not use a signature stamp.~~

"Subacute": The level of care necessary to effectively treat an alcohol and/or other drug abuser's dependency on a chemical without the more intensive measures designed to treat primary medical conditions in an acute care setting (e.g., inpatient hospitalization). Subacute care may be delivered in a facility licensed under the rules for Licensure of Alcoholism and Substance Abuse Treatment, Intervention and Research Programs (77 Ill. Adm. Code 2058) or in a hospital, either of which is certified according to Section 2090.90 for purposes of Medicaid reimbursed alcoholism and/or other drug abuse services.

"Treatment Protocol": Written policies and procedures which describe the client services delivered by the program provider. These policies and procedures must be approved and signed by a physician.

~~"Under age 21" means one who is admitted to treatment services prior to his/her 21st birthday up until he/she no longer requires services or reaches the age of 22, whichever comes first.~~

"Under the direction of a physician": Treatment services provided done under the direct supervision of a physician who is on staff and continuously directs directing the provision of care.

(Source: Amended at 19 Ill. Reg. 9411.1, effective JUL 01 1995)

Section 2090.30 Medicaid Enrollment/licensure

a) Application for Medicaid enrollment for alcoholism and other drug abuse treatment service providers may be made by providers who are:

- 1) Currently licensed by the Department under the provisions of 77 Ill. Adm. Code 2058 for alcoholism and other drug abuse treatment services described in 77 Ill. Adm. Code 2058.

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- 2) Currently licensed by the Illinois Department of Public Health as a hospital pursuant to 77 Ill. Adm. Code 250 for the treatment services described in 77 Ill. Adm. Code 250.
- b) Providers who have applied for hospital licensure for the first time and hold a provisional license for treatment services are not eligible to apply for Medicaid enrollment for those treatment services.
- c) Providers shall be certified by the Department as set forth herein and enroll for participation in the Illinois Medical Assistance Program as provided in 89 Ill. Adm. Code 148.340(d).
- d) Certification is site-specific and services are to be provided on-site, unless there is documentation of need for off-site service as set forth in Section 2090.40(a)(1) and (5). Sites providing 24 hours of services to clients and having more than 16 beds shall not be certified for Medicaid enrollment for other than residential rehabilitation services.

(Source: Amended at 19 Ill. Reg. 9411.1, effective JUL 01 1995)

Section 2090.40 Reimbursable Services

a) Outpatient Services

1) Definition

- 1) The provision of face-to-face diagnostic and individual, group, or family drug-free treatment services ~~on a scheduled or unscheduled basis to a client an individual who, in the clinical judgment of a qualified alcoholism and other drug treatment professional, is experiencing a problem with alcohol or other drugs (e.g., family, social, financial, employment, educational, and/or legal). Services are delivered in a Medicaid enrolled non-residential subacute setting. However, outpatient services may be provided at a client's recipient's place of residence or other off-site location when required because of illness, disability, infirmity, or problems of accessing care at a certified program site, as documented in the client's recipient's individualized treatment plan. This service is designed to reduce or eliminate a client's an individual's intake of alcohol and/or other drugs.~~

2) Scope

Outpatient treatment services must be delivered in accordance with a client's an individualized treatment plan recommended by a physician. Services shall include, but are not limited to, assessment, diagnosis and subsequent individual, group, or family counseling, case coordination, aftercare, and follow-up follow up.

3) Admission Criteria

In the clinical judgement of a qualified treatment professional, clients ~~to be~~ admitted to an for outpatient treatment--an

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individual program must be experiencing problems related to their addictive or abusive use of as-a-result-of-using alcohol and or other drugs. ~~and--in--the--clinical--judgment--of--a--qualified treatment--professional.~~ Clients admitted must not be actively experiencing psychotic manifestations or other severe mental or physical illness, which require immediate acute medical or psychiatric care. In addition, clients the-individual must not be intoxicated, incapacitated or in withdrawal due to the effects of alcohol or other substances--or-in-withdrawal. A client's an individual's physical and emotional condition must allow him/her them to function in his/her their usual non-residential setting.

4) Staffing Qualifications
A) Outpatient services must be delivered by qualified alcoholism and other drug treatment professionals as defined by this Part.

B) Each qualified alcoholism and other drug treatment professional providing treatment services must receive a minimum of four hours per month of direct clinical supervision, delivered in no fewer less than 2 sessions, by a qualified alcoholism and other drug treatment supervisor.

5) Reimbursement

Outpatient treatment services delivered to clients are Medicaid-reimbursable via the Outpatient-treatment-services delivered-to-Aid-to-the-Aged-Blind-and-Disabled-(AABD)-Aid--to-Families--with--Dependent-Children-(AFDC)-Medical-Assistance--No-Grant-(MANGS)-Refugee-Repatrice-Program-(RRP)-recipients--the-eligible--Department--of-Children-and-Family-Services-(DCFS) wards--and-persons-under-the-age-of-eighteen--who--would-qualify for--AFDC-but-do-not-qualify-as-dependent-children-pursuant-to-89 Ill--Adm--Code--148.370--are--Medicaid-reimbursable--via--the prospective rates in effect as of the date of service (89 Ill. Adm. Code 148.370). Medicaid claims are submitted to the Department and shall meet the requirements of IDPA rules pursuant to 89 Ill. Adm. Code 148.340-148.370 for alcoholism and substance abuse treatment programs providers. The billable outpatient unit of service is a client hour defined as face-to-face counseling with a diagnosed client in an individual, group, or family setting. Reimbursement shall occur by a fee-for-service mechanism, using one client hour as the base unit of service, billable to the nearest quarter-hour. No more than two client hours shall be reimbursed for any client during a 24 hour period, except that the maximum number of hours may be extended by the program provider to three during a 24 hour period on an individual basis when circumstances exist which limit accessibility to treatment services. These circumstances, such as significant travel distances, must be documented in the client's individualized treatment plan. In instances where the program provider has extended the client hours beyond two per 24

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hour period, no more than two of those client hours may be reimbursed for group treatment. No more than 40 hours may be reimbursed for an eligible adolescent client per benefit year, and no more than 25 hours may be reimbursed for an eligible adult client per benefit year.

b) Intensive Outpatient Services Treatment

1) Definition

The provision of diagnostic services and individual or group drug-free treatment services on an a-scheduled-only outpatient basis in a Medicaid enrolled subacute setting. This service is designed to reduce or eliminate through-a-concentrated-mittter--an individual's a client's intake of alcohol and/or other substances.

2) Scope

Intensive outpatient treatment services must be delivered in accordance with a client's an individualized treatment plan recommended by a physician. Services shall include, but are not limited to assessment, evaluation, diagnosis, and subsequent individualized, group, or family counseling, education, case coordination, aftercare and follow-up. Intensive outpatient treatment is a structured program offered a minimum of two days or evenings per week (not to exceed exceeding 4 hours per 24 hour period day) with a range of at least 6 hours but not to exceed to a--maximum-of 20 hours of treatment by a qualified alcoholism and other drug treatment professional activities--by--professional staff per client per week.

3) Admission Criteria

In the clinical judgement of a qualified treatment professional, clients individuals admitted to an intensive outpatient treatment program must--in-the-clinical-judgment-of-a-qualified-alcoholism and-other-drug-treatment-professional be experiencing problems related to their addictive or abusive use of alcohol and/or other drugs which require requires a level of care exceeding that available in outpatient treatment. Clients individuals experiencing active psychotic manifestations or other severe mental or physical illness which requires immediate acute medical or psychiatric care, should not be admitted to intensive outpatient treatment. In addition, the client individual shall not be intoxicated, incapacitated or in withdrawal due to the effects of alcohol or other drugs, or-in-withdrawal.

4) Staffing Qualifications

At least one qualified alcoholism and other drug treatment professional must deliver at least 50% of direct client treatment services during each treatment session. Additional services may be delivered by specialty staff, such as for-exempter vocational counselors or activity therapists.

5) Reimbursement

Intensive outpatient treatment services provided to clients are

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Medicaid Intensive-outpatient--treatment--services--provided-to AABP--APBE--MANG--and--RRP--recipients--title--XIX--eligibility--BEPs wards--and--persons--under--the--age--of--eighteen--who--would--qualify for--APBE--but--do--not--qualify--as--dependent--children--pursuant--to--09 title--Adm--Code--148.370--are--Medicaid reimbursable via the prospective rates in effect as of the date of service (89 Ill. Adm. Code 148.370). Medicaid claims are submitted to the Department, and shall meet the requirements of IDPA rules pursuant--to--09--title--Adm--Code--148.340--through--148.370 or alcoholism and substance abuse programs (89 Ill. Adm. Code 148.340 through 148.370) treatment-providers. Reimbursement shall occur by a fee-for-service mechanism, using one client session of a minimum of three hours as the base unit of service. No more than one client session shall be reimbursed per 24 hour period. Services for clients enrolled in intensive outpatient treatment shall not be reimbursed under the provisions for outpatient services. No more than 75 hours shall be reimbursed for an eligible client per benefit year.

c) Adolescent Residential Rehabilitation Services

1) Definition

The provision of diagnostic services and individual or group drug-free treatment services for adolescents on a scheduled-only residential basis in a Medicaid enrolled hospital subacute setting, 7 or to individuals adolescents under-age-21 in a psychiatric facility or an inpatient program in a psychiatric facility, either of which is accredited by the Joint Commission on Accreditation of Health Care Organizations (JCAHO), One Renaissance Boulevard, Oakbrook Terrace, Illinois, 60181 075 North--Wichigan--Avenue--Chicago--Illinois. This service is designed to reduce or eliminate--through-a-controlled-matrix an adolescent's individual's intake of alcohol and/or other drugs.

2) Scope

Adolescent residential Residential rehabilitation must be delivered in accordance with an adolescent's individualized treatment plan recommended by a physician if in a hospital setting, and under the direction of a physician if in a psychiatric facility. Services must include but are not limited to assessment, evaluation, diagnosis, and subsequent individual, group, or family counseling, education, case coordination, aftercare and follow-up. Adolescent residential Residential rehabilitation is a structured residential treatment program offered seven days per week and includes a minimum of 25 hours of treatment activities per client per week.

3) Admission Criteria

In the clinical judgement of a qualified treatment professional, adolescents individuals admitted to a residential rehabilitation treatment program must--in-the-clinical-judgment-of--a--qualified alcoholism-and-other-drug-treatment-professional be experiencing

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problems related to their addictive or abusive use of alcohol and/or other drugs which require requires a level of care exceeding that available in outpatient and intensive outpatient treatment. Adolescents individuals experiencing active psychotic manifestations or other severe mental or physical illness which requires immediate acute medical or psychiatric care, should not be admitted to adolescent residential rehabilitation. In addition, the adolescent individual shall not be intoxicated, incapacitated or in withdrawal due to the effects of alcohol or other drugs--or--in-withdrawal.

4) Staffing Qualification

At least one qualified alcoholism and other drug treatment professional must deliver at least 50% of direct client treatment services during each treatment session. Additional services may be delivered by specialty staff, such as for-example vocational counselors or activity therapists.

5) Reimbursement

Adolescent residential rehabilitation treatment services provided to clients are Medicaid Residential--rehabilitation--services--provided--to--adolescent--AABP--APBE--MANG--and--RRP--recipients--title--XIX--eligibility--BEPs--wards--and--persons--under--the--age--of--eighteen--who--would--qualify--for--APBE--but--do--not--qualify--as--dependent--children--pursuant--to--09--title--Adm--Code--148.370--are Medicaid reimbursable via the prospective rates in effect as of the date of service (89 Ill. Adm. Code 148.370). Medicaid claims are submitted to the Department and shall meet the requirements of IDPA rules pursuant--to--09--title--Adm--Code--148.340--through--148.370 for alcoholism and substance abuse treatment programs providers (89 Ill. Adm. Code 148.340 through 148.370). Reimbursement shall occur on a per diem basis. Services in an adolescent for--clients--enrolled--in--a residential rehabilitation program with over 16 beds shall not be reimbursed under the provisions for outpatient or intensive outpatient or detoxification services. No more than 40 days shall be reimbursed in each benefit year for an eligible client for adolescent residential rehabilitation alone or in combination with day treatment.

d) Detoxification

1) Definition

The--provision--of--immediate--physiological--stabilization--and diagnostic--and--short-term--treatment--on--a--non-scheduled--basis--to an--individual--who--is--intoxicated--or--experiencing--withdrawal--from the--ingestion--of--alcohol--and/or--other--drugs--and--whose--physical and--emotional--condition--does--not--require--the--intensity--of--an acute--care--setting--but--does--require--intensive--monitoring--and observation-----Detoxification--is--care--provided--in--a--Medicaid-enrolled--hospital--subacute--setting--or--to--individuals--under--age 21--by--a--Medicaid-enrolled--psychiatric--facility--or--an--inpatient

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program-in-a-psychiatric-facility-ether-of-which-is--accredited by-JCARB-to-an-individual-whose-physical-and-emotional-condition requires--ongoing--monitoring--and--observation--as-well-as-more intensive-assessment-and-treatment-counseling-and-is-intended-to lead-to-further-treatment-as-necessary--This-service-is-provided in-a-nightly-controlled--and-supportive--residential-subacute environment.

2) Scope

Betoxification-services-shall-be-provided-in--accordance--with--a treatment-protocol--approved--and--signed-by-a-physician-if-in-a hospital--and--under--the--direction--of--a-physician--if--in--a psychiatric-facility--Services-shall-include-but-are-not-limited to--assessment--evaluation--diagnosis--determination-of-need-for more-specialized-medical-care--test--under--close--observation--individual-counseling--case-coordination-and-subsequent-referral room-and-board-meals--and-supervision-by-staff.

3) Admission Criteria

Who--be--admitted--for--detoxification--an--individual--must--be intoxicated-or--incapacitated--by--alcohol--and/or--other--drugs and/or-must-be-experiencing-alcohol-and/or-other-drug-withdrawal. However--an--individual--must--not--be--comatose--and--must--not--be actively-experiencing-psychotic-manifestations--or--other--severe mental-or-physical-illness-which-requires-immediate-acute-medical or-psychiatric-care.

4) Staffing Qualifications

At-least-two-staff-members-one-of-whom-is-a-qualified-alcoholism and-other-drug-treatment-professionals--are-to-be-on-duty-at--all times.

5) Reimbursement

Betoxification--services--provided--to--AABD--APB--MANG--and--RRP recipients--Title-XX-eligible-BERG-wards--and-persons--under--the age--of--eighteen-who-would-qualify-for-APB-but-do-not-qualify-as dependent-children-pursuant-to-99--III--Adm--Code--140-7--are Medicaid-reimbursable--via--prospective-rates-in-effect-as-of-the date-of-service-(99--III--Adm--Code--140-370)--Medicaid-claims-are submitted-to-the-Department-and-shall-meet-the-requirements--of 99A--rules-pursuant-to-89--III--Adm--Code--140-340-through-140-370 for--alcoholism--and--substance--abuse--treatment--providers. Reimbursement--for--detoxification-services-shall-occur-on-a-per diem-basis--However--admissions--less-than-12--hours--in--length shall--be--reimbursed--at--a--per-episode-rate--No-more-than-one client-episode-shall-be-reimbursed-per-24-hour-period.

d) Day Treatment Services

1) Definition

The provision of diagnostic services and individual or group drug-free treatment services on a scheduled-only residential basis by a program licensed pursuant to 77 Ill. Adm. Code 2058.372-376 and certified hereunder as having 16 beds or less.

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Treatment services may be provided to adults and adolescents. To be certified as having 16 beds or less, a program must meet the following criteria:

A) be a free-standing program of 16 or few beds; or
B) be within a larger facility, as a distinct unit of 16 beds or less which:

i) is separately certified and licensed;

ii) is physically separate from other certified and licensed programs (for example, separated by floors, wings, or other building sections);

iii) provides a level of care significantly different in clinical content from other certified and licensed programs (for example, adult versus adolescent care, women versus men, nearing impaired versus non-impaired);

iv) has a separate cost center (budgeting, accounting, etc.);

v) has separate staffing; and

vi) has separate operating policies and procedures.

e) Day Treatment Services

1) Definition

The provision--of--treatment--services--as-defined-in-subsection (c)(1)-(3) above--except--that--the--services--shall--be--provided--by--a program--licensed--pursuant--to--77--III--Adm--Code--2058-372-376--and certified--hereunder--as--having--16--beds--or--less--To--be--certified--as having--16--beds--or--less--a--program--must--either--be--a--free-standing program--of--16--or--fewer--beds--or--within--a--larger--facility--be--a unit--of--16--beds--or--less--and:

A) be separately certified and licensed;

B) be physically separate from other certified and licensed programs (for example, be separated by floors, wings, or other building sections);

C) provide a level of care significantly different in clinical content from other certified and licensed programs (for example, adult versus adolescent care, women versus men, nearing impaired versus non-impaired, etc.);

D) have a separate cost center;

E) have separate staffing; and

F) have separate operating policies and procedures.

2) Scope

The scope of services is the same as set forth in subsection (c)(1)-(3) excluding room and board, meals, night supervision of dormitory areas and other domiciliary support services.

3) Admission Criteria

Admission criteria shall be the same as those set forth in subsection (b)(1)-(3) above.

4) Reimbursement

Day treatment services shall be reimbursed at an all-inclusive

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per diem rate as set forth in Section 2090.70(c)(4)(f)5, available upon certification of the facility and approval of the Illinois Health Care Financing Authority (HCFA). No more than 30 days shall be reimbursed for an eligible adult client and no more than 10 days shall be reimbursed for an eligible adolescent client per consecutive 365 days starting with the first day of a billable service for day treatment alone or in combination with adolescent residential rehabilitation.

6) Bay-Detoxification-Services

i) Definition

The provision of detoxification services as defined in subsection (d)(1) above except that the services shall be provided by a program licensed pursuant to 77 Ill. Adm. Code 2050-300-304 and certified hereunder as having 16 beds or less.

2) Scope

The scope of services is the same as set forth in subsection (d)(1) excluding room and board, meals, night supervision of dormitory areas and other domiciliary support services.

3) Admission-Criteria

Admission criteria shall be the same as those set forth in subsection (d)(3) above.

4) Staffing-Qualifications

Staffing qualifications shall be the same as set forth in subsection (d)(4) above.

5) Reimbursement

Bay-Detoxification services shall be reimbursed as an all-inclusive per diem rate as set forth in Section 2090.70(c)(4)(f) available upon certification of the facility and approval of the Illinois Public Aid State plan provisions for day treatment by the Health-Care-Financing-Authority (HCFA).

eg) Ancillary Psychiatric Diagnostic Services

1) Ancillary psychiatric diagnostic services are limited psychiatric evaluations to determine whether the client's individual's primary condition is attributable to the effects of alcohol or drugs or to a diagnosed psychiatric or psychological disorder. Such an evaluation shall determine the client's individual's primary condition and recommend appropriate treatment services.

2) Reimbursable psychiatric psychiatric evaluations reimbursable through Medicaid are limited to a psychiatric evaluation/examination of a client and the exchange of information with the primary physician and other informants such as nurses, counseling staff, or family members and the preparation of a report including psychiatric history, mental status, and diagnosis. This service shall be performed by a psychiatrist.

3) Reimbursable psychiatric psychiatric evaluations may be delivered to clients individuals admitted to outpatient, intensive

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outpatient, adolescent residential rehabilitation, intensive outpatient or day treatment detoxification services where the need for such services is documented in the client's individualized treatment plan. Documentation of all such services shall be maintained in the client record.

4) Ancillary diagnostic services delivered to clients are Medicaid-reimbursable on a per-encounter. Ancillary diagnostic services delivered to AAB, APB, MANG, and RRP recipients are eligible for BEPS wards, and persons under the age of eighteen who would qualify for APB, but do not qualify as dependent children pursuant to 89 Ill. Adm. Code 140-77 are Medicaid-reimbursable on a per-encounter basis at the prevailing rate as established by IDPA pursuant to 89 Ill. Adm. Code 140.400.

h) Ancillary-Methadone-Services

Ancillary methadone services reimbursable through Medicaid are limited to initial and ongoing face-to-face medical examinations which are medically necessary, methadone delivery and monitoring, and collection, processing and related toxicology testing of client urine specimens in order to be reimbursable these services must be delivered to Medicaid recipients who are served in an enrolled Methadone treatment program. Reimbursement is available from the effective date of approval by HCFA of the Illinois Public Aid State plan provisions regarding ancillary methadone services. Such services must be rendered in accordance with the standards established in 21 CFR 291.505 (1991) and 77 Ill. Adm. Code 2050.

i) Physician services must be performed by a physician who holds a current and unencumbered license to practice medicine in Illinois, who is enrolled in good standing in the Illinois Medicaid program and is an individual practitioner employed by or under contract with the participating methadone program.

A) The initial Comprehensive Medical Examination must be done in accordance with the standards set forth in 77 Ill. Adm. Code 2050-330 and 21 CFR 291.505 (1991) and must include at least the minimum contents of a medical evaluation as set forth in 21 CFR 291.505(d)(3) (1991) such as, but not limited to, medical history and/or abuse history, evidence of current physiologic dependence, a physical examination, determination of vital signs, required laboratory tests, examination of appearance and overall impression. Findings must be recorded in the patient's record in accordance with the standards set forth in 77 Ill. Adm. Code 2050-330 and the physician shall participate in individualized treatment planning.

B) The Ongoing Medical Examination includes face-to-face medically necessary physician examinations including, but not limited to the following: required medical supervision of the patient's methadone medication regimen required

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follow-up-of-any-physical-or-mental-problem-identified during-the-admission-physical-or-arising-subsequently, required-reevaluation-and-modification-of-the-individualized patient-treatment-plan-prescribing-of-medication-and monitoring-of-significant-changes-in-treatment-planning-and must-be-documented-by-physician-signature-as-involving-face-to-face-contact-with-the-client--Medical-necessity-shall-be determined-by-the-physician-based-on-medical-diagnosis.

6+ Reimbursement-for-physician-services-shall-be-made-on-a-per-encounter-basis-using-the-rates-established-by-IPBA-for such-services--initial-comprehensive-examination-reimbursement-is-limited-to-once-a-lifetime-per-recipient per-provider--Ongoing-examinations-are-limited-to-those which-are-medically-necessary-

2+ Delivery-of-Methadone-includes-the-prescribed-dispensing-and required-reporting-by-qualified-medical-staff-of-an-observed-or take-home-dosage-or-dosages-of-methadone-to-an-individual Medicaid-recipient-city-in-accordance-with-77-III-Adm--Code 2050-324-and-2050-369--Reimbursement-shall-be-made-per-encounter using-a-rate-based-on-dosage-cost-plus-a-standard-delivery-fee agreed-to-between-the-Department-and-IPBA-

3+ Toxicology-testing-includes-the-collection-packaging-preparing and-processing-of-urine-specimens-and-testing-in-accordance-with 77-III-Adm-Code-2050-3667-21-CFR-201-5056422-(19917--and other-pertinent-state-and-federal-laws--to-be-reimbursable toxicology-testing-must-be-done-either-by-a-laboratory-that-is licensed-by-the-Illinois-Department-of-Public-Health-pursuant-to the-Clinical-Laboratory-Act-(111-Rev-Stat-19917-ch-111-172 part-621-101-et-seq-7-1210-1568-35)-and-the-Clinical-Laboratory Order--77-III-Adm-Code-4507-and-if-applicable-77-III-Adm-Code 2050-3667-and/or-be-done-by-an-approved-drug-testing-machine-at-a facility-certified-pursuant-to-77-III-Adm-Code-450-or-exempt from-such-certification--either-of-which-is-testing-done-by-or under-contract-with-the-certified-methadone-program- Reimbursement-shall-be-determined-by-a-cost-based-rate methadone--such-rate-to-be-calculated-by-the-Department--and approved-by-IPBA-

(Source: Amended 19 Ill. Reg. 9411, effective JUL 01 1995)

Section 2090.70 Rate Setting

a) The amount approved for payment for alcoholism and other drug abuse treatment is based on the category and amount of services required by and actually delivered to a client recipient. The amount is determined in accordance with prospective rates developed by the Department and adopted by the Department of Public Aid. The adopted

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rate shall not exceed the charges to the general public.

b) Rates are cost-based and are established annually for each service. Costs will be determined based upon the information submitted by the provider in accordance with 2090.90(e). Rates are cost-based and are established annually for each service--in order that costs may be determined--each-provider-shall-submit-upon-application-for certification-the-provider's-annual-audit-for-the-prior-fiscal-year and-two-copies-of-the-required-statistical-and-financial-information which-shall-be-submitted-on-forms-specified-by-the-Department--these shall-be-submitted-in-accordance-with-Sections-2090-90-(e)(1)-and-(4) of-this-Part--Blank-copies-of-the-forms-and-instructions-for-the completion-may-be-obtained-by-submitting-a-request-in-writing-to:

Illinois-Department-of-Alcoholism-and-Substance-Abuse
Office-of-Purchased-Care-Development
222-South-College-2nd-Floor
Springfield-IL-62704

c) Rates are generated through the application of formal methodologies specific to each category.

1) Outpatient services shall be reimbursed at an all-inclusive per client hour rate payable to the nearest quarter hour. Such services are defined as face-to-face counseling with a diagnosed client. No-more-than-two-client-hours-shall-be-reimbursed-for any-client-during-a-24-hour-period--except-as-permitted-by Section-2090-40(e)(5):

2) Intensive Outpatient Outpatient services shall be reimbursed at an all-inclusive session rate; for a-day-is-defined-as a minimum of three hours per 24 hour period. No-more-than-one-client session-shall-be-reimbursed-for-any-recipient-during-any-24-hour period:

3) Adolescent Residential residential rehabilitation services shall be reimbursed at an all-inclusive per diem rate. No-more-than one-client-day-shall-be-reimbursed-for-any-recipient-during-any 24-hour-period:

4) Detoxification services-shall-be-reimbursed-at-an-all-inclusive per-diem-rate--However--admissions-less-than-twelve-hours-in length-shall-be-reimbursed-at-a-per-episode-rate

45) Day treatment services shall be reimbursed at an all-inclusive per diem rate exclusive of costs attributable to domiciliary services as specified in Section 2090.40(d) (e)(2). No-more-than one-client-encounter-shall-be-reimbursed-for-a-recipient-in-any 24-hour-period:

6+ Day-detoxification-services-shall-be-reimbursed-at-an-all-inclusive-per-diem-rate-which-shall-exclude-costs attributable-to-domiciliary-services-as-specified-in-Section 2090-40(e)(2)--No-more-than-one-client-encounter-shall-be reimbursed-for-a-recipient-in-any-24-hour-period:

5+ Ancillary psychiatric diagnostic services shall be reimbursed on a per encounter basis to psychiatrists at the practitioner's

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usual and customary charge, not to exceed the prevailing rate as maximum prevailing rate as established by IDPA (89 Ill. Adm. Code 140.400) the Department.

8) Ancillary-Methadone-services-shall-be-reimbursed-on-a-per-service basis-using-methodology-as-set-forth-in-each-of-the-reimbursable categories-described-in-Section-2090.40(f).

69) The provider shall not be reimbursed for more than one Medicaid covered substance alcoholism or other drug abuse service per client per day except for ancillary services which may be reimbursed in addition to one of the other Medicaid covered services.

710) Outpatient and intensive outpatient services, which may be delivered in a group setting, shall be reimbursed only for groups consisting-of-no-more-than up to 12 clients supported by DASA funding (Medicaid or other).

d) Hospitals

The Department shall establish rates with hospitals delivering substance services who request-such-certification--and are certified pursuant to this Part. Rates shall be based upon the services definitions found in Section 2090.40(a), (b), (c), (d) and (de) of this Part, and shall be subject to the provisions of subsections (a), (b) and (c) of this Section.

(Source: Amended at 19 Ill. Reg. 9411.3, effective JUL 01 1995)

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1) Heading of the Part: Access to and Eligibility for Child Welfare Services

2) Code Citation: 89 Ill. Adm. Code 304

3) Section Number: Adopted Action:

304.2

Amend

4) Statutory Authority: The Children and Family Services Act [20 ILCS 505.4].

5) Effective Date of Amendments: July 1, 1995

6) Does this rulemaking contain an automatic repeal date? No

7) Do these amendments contain incorporations by reference? No

8) Date filed in Agency's Principal Office: July 1, 1995

9) Notice of Proposal Published in Illinois Register:

March 24, 1995, 19 Ill. Reg. 3601

10) Has JCARE issued a Statement of Objections to these rules? No

11) Difference between proposal and final version: Minor editing changes were made in accordance with the recommendations from the Joint Committee on Administrative Rules and the Administrative Code Unit and other changes were made in response to public comments and Department decisions.

Sections 304.2 Definitions

Deleted the proposed added language and replaced it with the following definition:

"Biological father" means a man who was not married to the mother when the child was born and who has acknowledged his paternity in open court, or who has signed a statement acknowledging paternity, or who is legally presumed to be the father because he married the child's mother after the child's birth and his name appears on the child's official record of birth, or whose paternity is adjudicated in court. When paternity has been established in the above manner, the relatives of the biological father as well as those of the mother may be considered for the placement of related children.

"Child welfare services", changed the word "public" to "publicly funded".

"Dependent minor", deleted the "period" after the word custodian and added "or to a minor solely because his or her parent or guardian has left the

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minor for any period of time in the care of an adult relative." and deleted the last sentence of the proposed language in its entirety.

"Minimum parenting standards", removed the strikeouts from the words "and education required by law." and deleted the "period" at the end of the sentence and added "who is willing and capable of assuming responsibility for the child."

"Relative caregiver", deleted the proposed language in its entirety and replaced it with:

"Relative," for purposes of placement of children for whom the Department is legally responsible, means any person, 21 years of age or over, other than the parent who:

- is currently related to the child in any of the following ways by blood or adoption: grandparent, sibling, great-grandparent, uncle, aunt, nephew, niece, first cousin, great-uncle, or great-aunt, or
- is the spouse of such a relative, or
- is the child's step-father, step-mother, or adult step-brother or step-sister.

Relative also includes a person related in any of the foregoing ways to a sibling of a child, even though the person is not related to the child, when the child and its sibling are placed together with that person. [20 ILCS 505/7(b)]

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these proposed amendments replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of These Adopted Amendments: The Department is amending Section 304.2, Definitions, by adding definitions of "Biological Father", "Family" and "Relative Caregiver". The definitions of "Abused child", "Neglected child", "Dependent minor", "Minimum parenting standards" and "Minor Requiring Authoritative Intervention (MRAI)" have been revised to either agree with the Illinois statutes in which they are found or with other Department rules.

16) Information and questions regarding these adopted amendments shall be directed to:

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Jacqueline Nottingham, Chief
Office of Rules and Procedures
Department of Children and Family Services
406 East Monroe Street, Station # 222
Springfield, Illinois 62701-1498
Telephone (217) 524-1983
TDD: (217) 524-3715

The full text of the adopted rules begins on the next page:

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER a: SERVICE DELIVERY

PART 304

ACCESS TO AND ELIGIBILITY FOR CHILD WELFARE SERVICES

Section	Purpose
304.1	Definitions
304.2	Introduction to Child Welfare Services
304.3	Eligibility for Child Welfare Services
304.4	Access to Child Welfare Services
304.5	Decision Concerning Case Opening

AUTHORITY: Implementing and authorized by Section 5 of the Children and Family Services Act [20 ILCS 505/5]; Sections 2 and 2.1 of the Abused and Neglected Child Reporting Act. [325 ILCS 5/2 and 2.1]; Section 1-2 of the Juvenile Court Act of 1987 [705 ILCS 405/1-2]; Section 1-103 of the Illinois Alcoholism and Other Drug Dependency Act [20 ILCS 305/1-103]; and The Adoption Assistance and Child Welfare Act of 1980, which amends Section 471 of the Social Security Act (42 U.S.C.A. 671(a)(14)).

SOURCE: Adopted and codified at 5 Ill. Reg. 13117, effective November 30, 1981; amended at 8 Ill. Reg. 12118, effective July 9, 1984; amended at 17 Ill. Reg. 251, effective December 31, 1992; amended at 19 Ill. Reg. 9429, effective JUL 01 1995.

Section 304.2 Definitions

"Abused child" means a child whose parent or immediate family member, or any person responsible for the child's welfare, or any individual residing in the same home as the child, or a paramour of the child's parent:

inflicts, causes to be inflicted, or allows to be inflicted upon such child physical or mental injury, by other than accidental means, which causes death, disfigurement, impairment of physical or emotional health, or loss or impairment of any bodily

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function;

creates a substantial risk of physical or mental injury to such child by other than accidental means which would be likely to cause death, disfigurement, impairment of physical or emotional health, or loss of or impairment of any bodily function;

commits or allows to be committed any sex offense against such child, as such sex offenses are defined in the Criminal Code of 1961 as amended, and extending those definitions of sex offenses to include children under 18 years of age;

commits or allows to be committed an act or acts of torture upon such child; or

inflicts excessive corporal punishment. (Ill.-Rev.-Stat.-1991:Ch.-237-par-2653 [325 ILCS 5/3].

"Addicted Minor" includes any minor who is an addict or an alcoholic as defined in the Illinois Alcoholism and Other Drug Dependence Act (Ill.-Rev.-Stat.-1991:Ch.-111-par-6351-33 [20 ILCS 305/1-103].

"Adjudicated" as used in these rules means that the Juvenile Court has entered an order declaring that a child is neglected, dependent, a minor requiring authoritative intervention, a delinquent minor or an addicted minor.

"Biological father" means a man who was not married to the mother when the child was born and who has acknowledged his paternity in open court, or who has signed a statement acknowledging paternity, or who is legally presumed to be the father because he married the child's mother after the child's birth and his name appears on the child's official record of birth, or whose paternity is adjudicated in court. When paternity has been established in the above manner, the relatives of the biological father as well as those of the mother may be considered for the placement of related children.

"Child welfare services" means publicly funded public social services which are directed toward the accomplishment of the following purposes:

protecting and promoting the welfare of all children, including homeless, dependent, or neglected children; preventing or remedying, or assisting in the solution of problems which may result in, the neglect, abuse exploitation, or delinquency of children;

preventing the unnecessary separation of children from their

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families by identifying family problems, assisting families in resolving their problems, and preventing breakup of the family where the prevention of child removal is desirable and possible;

restoring to their families children who have been removed, by the provision of services to the child and the families;

placing children in suitable adoptive homes, in cases where restoration to the biological family is not possible or appropriate;

assuring adequate care of children away from their homes, in cases where the child cannot be returned home or cannot be placed for adoption;

providing supportive services and living maintenance which contribute to the physical, emotional and social well-being of children who are pregnant and unmarried;

providing shelter and independent living services for homeless youth; and

placing and maintaining children in facilities that provide separate living quarters for children under the age of 18 and for children 18 years of age and older, unless a child 18 years of age is in the last year of high school education or vocational training, in an approved individual or group treatment program, or in a licensed shelter facility. The Department is not required to place or maintain children:

who are in a foster home;

who are developmentally disabled, as defined in the Mental Health and Developmental Disabilities Code;

who are female children who are pregnant, pregnant and parenting or parenting; or

who are siblings,

in facilities that provide separate living quarters for children 18 years of age and older and for children under 18 years of age. (Ill.-Rev.-Stat.-1991:Ch.-23-par-5051 [20 ILCS 505/5])

"Delinquent minor" means a minor who before his 17th birthday violated or attempted to violate a Federal or State law or municipal ordinance. Delinquent minor is further defined in the Juvenile Court Act of 1987.

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"Department client" means a child or a family who is receiving child welfare services either directly from the Department or through the Department's purchase of service providers.

"Dependent minor" means a child under 18 years of age who as a result of physical or mental disability of a parent or other legal guardian is not receiving proper medical, remedial or other care necessary for his or her well-being or whose parent wishes to release the child for adoption; "dependent minor" is further defined in the Juvenile Court Act of 1987; any minor under 18 years of age:

who is without a parent, guardian or legal custodian;

who is without proper care because of the physical or mental disability of his parent, guardian or custodian;

who is without proper medical or other remedial care recognized under State law or other care necessary for his or her well-being through no fault, neglect or lack of concern by his parents, guardian or custodian, provided that no order may be made terminating parental rights, nor may a minor be removed from the custody of his or her parents for longer than 6 months, pursuant to an adjudication as a dependent minor under Section 2-4(c) of the Juvenile Court Act of 1987, unless it is found to be in his or her best interest by the court or the case automatically closes as provided under Section 2-31 of the Act; or

who has a parent, guardian or legal custodian who with good cause wishes to be relieved of all residual parental rights and responsibilities, guardianship or custody, and who desires the appointment of a guardian of the person with power to consent to the adoption of the minor under Section 2-29 of the Act.

This definition does not apply to a minor who would be included herein solely for the purpose of qualifying for financial assistance for himself, his parents, guardian or custodian or to a minor solely because his or her parent or guardian has left the minor for any period of time in the care of an adult relative. [705 ILCS 405/2-4]

"Family" means one or more adults and children, related by blood, marriage or adoption and residing in the same household.

"Minimum parenting standards" means that a parent or other person responsible for the child's welfare sees that the child is adequately fed, clothed appropriately for the weather conditions, provided with adequate shelter, protected from physical, mental and emotional harm, and provided with necessary medical care and education required by law. A parent who has abandoned a child, deserted a child for three months, or failed to demonstrate a reasonable degree of interest,

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concern, or responsibility as to the welfare of a newborn child for 30 days after birth is deemed to have failed to have met the minimum parenting standards, unless the parent has arranged for the child's care in the home of a relative who is willing and capable of assuming responsibility for the child. In addition, a parent who is addicted to alcohol or who is a drug addict, as defined in Section 1-103 of the Illinois Alcoholism and Other Drug Dependency Act (1991-Rev. Stat. ch. 111-1/2, par. 6-55-1-3) [20 ILCS 305/1-103] and who has consistently failed to cooperate in a rehabilitation program for a period of at least six months is deemed to have failed to have met the minimum parenting standards unless the parent has arranged for the child's safety and well-being despite the parent's addiction.

"Minor Requiring Authoritative Intervention (MRAI)" means any minor under 18 years of age (1) who is (a) absent from home without consent of parent, guardian or custodian, or (b) beyond the control of his or her parent, guardian or custodian, or circumstances which constitute a substantial or immediate danger to the minor's physical safety; and (2) who, after being taken into limited custody for the period provided for in this Section and offered interim crisis intervention services, where available, refuses to return home after the minor and his or her parent, guardian or custodian cannot agree to an arrangement for an alternative voluntary residential placement or to the continuation of such placement. Any minor taken into limited custody for the reasons specified in this Section may not be adjudicated a minor requiring authoritative intervention until the following number of days have elapsed from his or her having been taken into limited custody: 21 days for the first instance of being taken into limited custody and 5 days for the second, third, or fourth instances of being taken into limited custody. For the fifth or any subsequent instance of being taken into limited custody for the reasons specified in this Section, the minor may be adjudicated as requiring authoritative intervention without any specified period of time expiring after his or her being taken into limited custody, and without the minor's being offered interim crisis intervention services, and without the minor's being offered interim crisis intervention services, and without the minor's being afforded an opportunity to agree to an arrangement for an alternative voluntary residential placement. Notwithstanding any other provision for of this Section, for the first instance in which a minor is taken into limited custody where one year has elapsed from the last instance of his having been taken into limited custody, the minor may not be adjudicated a minor requiring authoritative intervention until 21 days have passed since being taken into limited custody. [705 ILCS 405/3-3] (1991-Rev. Stat. ch. 111-1/2, par. 6-55-1-3)

"Neglected child" means any child whose parent or other person responsible for the child's welfare withholds or denies nourishment or

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medically indicated treatment including food or care denied solely on the basis of present or anticipated mental or physical impairment as determined by a physician acting alone or in consultation with other physicians or otherwise does not provide the proper or necessary support or medical or other remedial care recognized under State law as necessary for a child's well-being, including adequate food, clothing and shelter or who is abandoned by his or her parent or other person responsible for the child's welfare or who is a newborn infant whose blood or urine contains any amount of a controlled substance as defined in subsection (f) of Section 102 of the Illinois Controlled Substances Act or a metabolite thereof with the exception of a controlled substance or metabolite thereof whose presence in the newborn infant is the result of medical treatment administered to the mother or newborn infant. A child shall not be considered neglected for the sole reason that the child's parent or other person responsible for his or her welfare has left the child in the care of an adult relative for any period of time. A child shall not be considered neglected or abused for the sole reason that such child's parent or other person responsible for his or her welfare depends upon spiritual means through prayer alone for the treatment or cure of disease or remedial cure under Section 4 of the Abused and Neglected Child Reporting Act. Where the circumstances indicate harm or substantial risk of harm to the child's health or welfare and necessary medical care is not being provided to treat or prevent that harm or risk of harm because such parent or other person responsible for the child's welfare depends upon spiritual means alone for

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treatment or cure, such child is subject to the requirements of the Abused and Neglected Child Reporting Act for the reporting of, investigation of, and provision of protective services with respect to such child and his health needs, and in such cases spiritual means through prayer alone for the treatment or cure of disease or for remedial care will not be recognized as a substitute for such necessary medical care, if the Department or, as necessary, a juvenile court determines that medical care is necessary. A child shall not be considered neglected or abused solely because the child is not attending school in accordance with the requirements of Article 26 of the School Code. [325 ILCS 5/3]

"Purchase of services provider" means an agency or individual offering services to a Department client through a signed contract with the Department.

"Relative," for purposes of placement of children for whom the Department is legally responsible, means any person, 21 years of age or over, other than the parent, who:

- is currently related to the child in any of the following ways by blood or adoption: grandparent, sibling, great-grandparent, uncle, aunt, nephew, niece, first cousin, great-uncle, or great-aunt, or
- is the spouse of such a relative, or
- is the child's step-father, step-mother, or adult step-brother or step-sister.

Relative also includes a person related in any of the foregoing ways to a sibling of a child, even though the person is not related to the child, when the child and its sibling are placed together with that person. [20 ILCS 505/7(b)]

"Services delivered by the Department" means those social services provided either directly by Department of Children and Family Services staff or by purchase of service providers.

"Voluntary placement agreement" means a time-limited written request and consent from a parent, guardian or legal custodian of a child for placement of the child out of the home. When signed by designated Department staff, the Department agrees to provide child welfare services which include placement.

(Source: Amended at 19 Ill. Reg. 9429, effective JUL 01 1995)

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1) Heading of the Part: Placement and Visitation Services

2) Code Citation: 89 Ill. Adm. Code 301

3) Section Numbers: Adopted Action:

301.1 Renumber

301.2 Repeal

301.3 Renumber

301.4 Renumber

301.10 New Section

301.20 New Section

301.30 New Section

301.40 New Section

301.50 New Section

301.60 New Section

301.80 New Section

301.90 New Section

301.100 New Section

301.110 New Section

301.120 New Section

301.130 New Section

301.140 New Section

301.310 Renumber & Amend

301.320 Renumber & Amend

301.330 Renumber & Amend

301.Appendix A New Section

4) Statutory Authority: The Children and Family Services Act [20 ILCS 505/4].

5) Effective Date of Amendments: July 1, 1995

6) Does this rulemaking contain an automatic repeal date? No

7) Do these amendments contain incorporations by reference? No

8) Date filed in Agency's Principal Office: July 1, 1995

9) Notice of Proposal Published in Illinois Register: March 24, 1995, 19 Ill. Reg. 3633

10) Has JCAR issued a Statement of Objections to these rules? No

11) Difference between proposal and final version: Minor editing changes were made in accordance with the recommendations from the Joint Committee on Administrative Rules and the Administrative Code Unit.

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Additional changes were made in response to public comments and/or Department decisions.

Section 301.20 Definitions

Deleted the proposed added definition of "Biological father" and replaced it with the following definition:

"Biological father" means a man who was not married to the mother when the child was born and who has acknowledged his paternity in open court, or who has signed a statement acknowledging paternity, or who is legally presumed to be the father because he married the child's mother after the child's birth and his name appears on the child's official record of birth, or whose paternity is adjudicated in court. When paternity has been established in the above manner, the relatives of the biological father as well as those of the mother may be considered for the placement of related children.

Added the following definition after the definition of "biological father":

"Child only standard of need" means the assistance standard for cases in which no adult member is included, as established by the Illinois Department of Public Aid in 89 Ill. Adm. Code 111, Assistance Standards.

Added the following definition after the definition of "Federally-funded foster care":

"Foster care payment" means the amount paid by the Department for a child's room, board, clothing, and personal allowance in a licensed foster family home.

In the definition of "Parents", removed the phrase "acknowledged via a notarized written statement or adjudicated in court" and replaced it with "established as required by the definition in this Section."

Deleted the proposed added definition of "Relative" and replaced it with:

"Relative" for purposes of placement of children for whom the Department is legally responsible, means any person, 21 years of age or over, other than the parent, who:

- is currently related to the child in any of the following ways by blood or adoption; grandparent, sibling, great-grandparent, uncle, aunt, nephew, niece, first cousin, great-uncle, or great-aunt, or

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- is the spouse of such a relative, or
- is the child's step-father, step-mother, or adult step-brother or step-sister.

Relative also includes a person related in any of the foregoing ways to a sibling of a child, even though the person is not related to the child, when the child and its sibling are placed together with that person. [20 ILCS 505/7(b)]

Section 301.30

Deleted the period after the proposed added word "agreement" and added "and for whom the Department has determined that family preservation services are not appropriate because such services are not in the child's best interests or would not protect the child from imminent risk of harm."

Section 301.40

- (d) deleted the proposed word "his".

Section 301.50

Introductory paragraph, deleted the proposed added word "or" and replaced it with the word "and" and deleted the proposed added word "and" and replaced it with the word "because".

- (b) added the words "or caregiver" after "parents".

- (c) deleted the proposed added language "would not be in the child's best interests or".

Section 301.80

Added an "a" at the beginning of the paragraph for a new subsection and indented text five spaces from the left margin.

Added a "b" at the beginning of the sentence and moved new subsection (b) to align with subsection (a) and indented text five spaces from left margin.

- (a) added "(b)" to proposed added citation "Section 301.60" in the last sentence.

- (b) deleted proposed "a" and replaced with "1"; deleted proposed "b" and replaced with "2"; deleted proposed "c" and replaced with "3"; deleted proposed "d" and replaced with "4" and deleted the proposed word "pre-condition" and added "conditions for "placement" in lieu of.

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- (b)(1) deleted the proposed words "accept for" and added the word "for" immediately after the word "care."

- (c) added the words "conditions for" immediately before the word "placement" and deleted the proposed word "pre-conditions."

- (c)(1) deleted the proposed added language "as required by 89 Ill. Adm. Code 385, Background Checks." Added:

If a report of abuse or neglect exists, staff of the placing agency have made appropriate decisions whether the child should be placed with the relative based on the following considerations:

- A) the type of indicated abuse and neglect;
- B) the age of the individual at the time of the report;
- C) the length of time that has elapsed since the most recent indicated report;
- D) the relationship of the report to the ability to care for the related children; and
- E) evidence of successful parenting.

- (c)(2) deleted the proposed added language "or any pending criminal charges" and "380, Background Check of Foster Family Home Applicants," and insert "301, Placement and Visitation Services" and deleted the semicolon after the proposed word "home" and added "unless a waiver has been granted in accordance with the requirements of Appendix A of this Part".

- (c)(13) deleted the word "and" at the end of the sentence.

- (c)(14) deleted the "period" and added "; and" at the end of the sentence.

Added the following subsection under (c):

- 16) the relative shall cooperate with the requirements for obtaining financial support for the care of the child including, if the relative is unlicensed, completing the Aid to Families with Dependent Child (AFDC) application and eligibility determination process. If the relative fails to complete the AFDC application and eligibility determination process within 90 days after the date the child was placed with the relative, the relative will receive no payment from the Department. In such cases, the supervising agency shall reassess the continued suitability of the relative's home.

- (d) deleted the term "pre-conditions" and replaced it with "conditions for placement".

- (e) deleted the proposed term "Department" and inserted "supervising

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agency," in lieu of; added the language "on an on-going basis and at least" immediately after the words "home placement" and replaced the proposed word "and" with "or" and added a period at the end of the word "children" and began a new sentence: "Appropriateness is determined by the extent to which the home is in compliance with..."; deleted proposed language "as measured by"; added an "s" to the word "subsection" and added "(b)" and "immediately before "(c)."; deleted the period after "(c)." and completed the sentence with "above and by an evaluation of the continued safety of the children, including an evaluation of any pending criminal charges against any adult members of the household."

(f) deleted proposed language in its entirety and replaced it with the following new language:

f) The Department may, after providing notice as required by 89 Ill. Adm. Code 337, Service Appeal Process, move the child to another placement if the Department determines, based on the continuing safety and well-being of the child, the child's permanency goal, and the best interests or special needs of the child, that an alternative placement is necessary.

(g) added a new sentence immediately before the proposed sentence to read: "Only placements in licensed foster family homes receive the foster care payment rate" and added a new sentence at the end of paragraph to read: "Relatives who are unlicensed receive the child only standard of need."

Section 301.90

(a) added the words "in the" immediately after the proposed word "remain"; added a period after the proposed word "home"; and deleted the proposed word "and"; capitalized the word "the"; added "under the provisions of 89 Ill. Adm. Code 402, Licensing Standards for Foster Family Homes, before it" after the word "permit"; deleted the proposed word "to"; added an "s" to the word "receive" and added the word "payment" after the proposed word "foster care".

Added a new subsection (c):

c) In addition to the training required for licensure under Section 402.12(i) of 89 Ill. Adm. Code 402, Licensing Standards for Foster Family Homes, foster parents must receive additional training on content approved by the Department in order to care for children unrelated to them.

Section 301.120

(a) deleted the comma after the proposed word "setting" and added "or prior to the placement of the child, whenever possible".

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Add Appendix A which reads:

301.Appendix A Criminal Convictions Which Prevent Placement of Children with Relatives

a) Children for whom the Department of Children and Family Services is legally responsible shall not be placed with a relative, as defined in this Part, or allowed to remain in the home of a relative if the relative caregiver or any adult member of the household has been convicted of committing any of the following crimes, except as allowed via a waiver process below.

1) Homicide

- A) Murder*
- B) Solicitation of murder*
- C) Solicitation of murder for hire*
- D) Intentional homicide of an unborn child*
- E) Voluntary manslaughter of an unborn child*
- F) Involuntary manslaughter*
- G) Reckless homicide*
- H) Concealment of a homicidal death*
- I) Involuntary manslaughter of an unborn child*
- J) Reckless homicide of an unborn child*
- K) Drug induced homicide*

2) Sex Offenses

- A) Child pornography*
- B) Exploitation of a child*
- C) Sexual exploitation of a child*
- D) Obscenity
- E) Harmful materials
- F) Tie in sales of obscene publications to distributors
- G) Indecent solicitation of a child*
- H) Public indecency
- I) Sexual relations within families*
- J) Prostitution
- K) Soliciting for a prostitute
- L) Soliciting for a juvenile prostitute*
- M) Pandering
- N) Keeping a place of prostitution*
- O) Keeping a place of juvenile prostitution*
- P) Patronizing a prostitute
- Q) Patronizing a juvenile prostitute*
- R) Pimping

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S) Juvenile pimping*

3) Kidnapping and Related Offenses

- A) Kidnapping
- B) Aggravated unlawful restraint
- C) Forcible detention
- D) Aiding and abetting child abduction*
- E) Aggravated kidnapping
- F) Child abduction*

4) Bodily Harm

- A) Aggravated battery of a child*
- B) Criminal sexual assault*
- C) Aggravated criminal sexual assault*
- D) Criminal sexual abuse*
- E) Aggravated sexual abuse*
- F) Heinous battery*
- G) Aggravated battery with a firearm
- H) Tampering with food, drugs, or cosmetics
- I) Drug-induced infliction of great bodily harm
- J) Aggravated stalking
- K) Home invasion
- L) Vehicular invasion
- M) Criminal transmission of HIV
- N) Criminal neglect of an elderly or disabled person
- O) Child abandonment*
- P) Endangering the life or health of a child*
- Q) Ritual mutilation
- R) Ritualized abuse of a child*

5) An offense in any other state the elements of which are similar and bear a substantial relationship to any of the foregoing offenses.

b) If the relative caregiver or any adult member of the household has been convicted of one of the crimes in subsections (a)(1) or (5) above marked by an asterisk, any request for a waiver must be submitted in writing to the Director of the Department for his or her personal approval. The supervising agency shall submit the following information along with the request for waiver of the criminal conviction(s).

1) the age of the individual at the time of the conviction(s);

2) the length of time that has elapsed since the last

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conviction(s):

- 3) the relationship of the crime and the capacity to care for related children;
- 4) evidence of rehabilitation; and
- 5) opinions of community members concerning the individual in question.

c) If the relative caregiver of any adult member of the household has been convicted of one of the crimes identified in subsections (a)(1) through (5) above not marked by an asterisk, related children for whom DCFS is legally responsible shall not be placed in or continue to remain in the relative caregiver's household unless a waiver of this prior criminal history has been granted in accordance with the requirements of this subsection. The Director of the Department shall designate specific Department employees who have the authority to grant such waivers on a 24 hour per day basis. When the supervising agency believes that there have been extraordinary circumstances surrounding the criminal history or the convicted person(s) has been successfully rehabilitated and placement in the relative's household is in the best interests of the children, the supervising agency may request a waiver of this prior criminal history by asking the Department to consider the factors in (b) above. Such requests may be made orally, but must be confirmed in writing. The Department's decision with regard to the request for a waiver shall be documented in writing and included in the child's case record.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these proposed amendments replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of These Adopted Amendments: This Part is being amended to add Department policy on placement services formerly contained in 89 Ill. Adm. 302, Services Delivered by the Department, Section 302.390, Placement Services. At a later date the Department will add rules on sibling visitation to create Subpart B. These changes will allow Department policy governing placement and visitation services to be together in one set of rules. The current content of Part 301, Foster Care Placement Goal, has been renumbered to Subpart C.

In addition to these reformatting changes, the Department is amending its policy regarding the selection of a placement for a child. Although

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relatives will be considered when seeking a placement for a child, the primary factors will be the child's best interests and special needs. When the Department does place a child in the home of a relative, the home must either be licensed as a foster family home or meet certain pre-placement conditions which are specified in 89 Ill. Adm. Code 301.80, Relative Home Placement. These pre-placement conditions replaced and improve the pre-placement conditions previously in 89 Ill. Adm. Code 335, Relative Home Placement, now being repealed.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Jacqueline Nottingham, Chief
Office of Rules and Procedures
Department of Children and Family Services
406 East Monroe Street, Station # 222
Springfield, IL 62701-1498
(217) 524-1983 or TDD: (217) 524-3715

The full text of the adopted rules begins on the next page:

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TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER a: SERVICE DELIVERY

PART 301 PLACEMENT AND VISITATION SERVICES

Section	
301.1	Purpose (Renumbered)
301.2	Definition (Repealed)
301.3	Foster Care Placement Goal (Renumbered)
301.4	Plans to Achieve This Goal (Renumbered)

SUBPART A: PLACEMENT SERVICES

Section	
301.10	Purpose
301.20	Definitions
301.30	Introduction
301.40	Legal Authority to Place
301.50	Emergency Placement
301.60	Placement Selection Criteria
301.80	Relative Home Placement
301.90	Foster Family Home Care
301.100	Residential Care
301.110	Care in a Medical/Psychiatric Facility
301.120	Sharing Appropriate Information with the Caregiver
301.130	Medical Examinations for Children in Placement
301.140	Education of Children While in Placement

SUBPART C: FOSTER CARE PLACEMENT GOAL

Section	
301.310	Purpose
301.320	Foster Care Placement Goal
310.330	Plans to Achieve This Goal

APPENDIX A
Criminal Convictions which Prevent Placement of Children with Relatives

AUTHORITY: Implementing and authorized by the Children and Family Services Act [20 ILCS 505]; Section 3-6-2(g) of the Unified Code of Corrections (730 ILCS 5/3-6-2(g)); Section 1-103 of the Illinois Alcoholism and Dangerous Drug Dependency Act [20 ILCS 305/1-103]; the Adoption Assistance and Child Welfare Act of 1980 (42 U.S.C.A. 670 et seq.); 45 CFR 1356.40 and 1356.41; the Juvenile Court Act of 1987 [705 ILCS 405]; and the Adoption Act [750 ILCS 50].

SOURCE: Adopted and codified at 7 Ill. Reg. 881, effective January 12, 1983; amended at 9 Ill. Reg. 9904, effective July 1, 1985; amended at 19 Ill. Reg.

9438, effective JUL 01 1995

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Section 301.1 Purpose (Renumbered)

(Source: Section 301.1 renumbered to Section 301.310 at 19 Ill. Reg. 9438, effective JUL 01 1995)

Section 301.2 Definition (Repealed)

(Source: Repealed at 19 Ill. Reg. 9438, effective JUL 01 1995)

Section 301.3 Foster Care Placement Goal (Renumbered)

(Source: Section 301.3 renumbered to Section 301.320 at 19 Ill. Reg. 9438, effective JUL 01 1995)

Section 301.4 Plans to Achieve This Goal (Renumbered)

(Source: Section 301.4 renumbered to Section 301.330 at 19 Ill. Reg. 9438, effective JUL 01 1995)

SUBPART A: PLACEMENT SERVICES

Section 301.10 Purpose

The purpose of this Subpart is to describe the substitute care services provided by the Department or its contractual agencies when it is in the best interests of children to be placed apart from their parents or guardians. Included in this Subpart is an explanation of:

- a) the conditions under which children are placed in substitute care;
- b) the types of substitute care settings in which children are placed;
- c) the criteria used for selecting a placement; and
- d) other legal and service requirements that must be fulfilled when placing children.

(Source: Added at 19 Ill. Reg. 9438, effective JUL 01 1995)

Section 301.20 Definitions

"Administrative case review" or "ACR" means case reviews required by 42 U.S.C.A. 675(1) and 20 ILCS 505/6a.

"Biological father" means a man who was not married to the mother when the child was born and who has acknowledged his paternity in open court, or who has signed a statement acknowledging paternity, or who is legally presumed to be the father because he married the child's mother after the child's birth and his name appears on the child's official record of birth, or whose paternity is adjudicated in court.

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When paternity has been established in the above manner, the relatives of the biological father as well as those of the mother may be considered for the placement of related children.

"Child only standard of need" means the assistance standard for cases in which no adult member is included, as established by the Illinois Department of Public Aid in 89 Ill. Adm. Code 111, Assistance Standards.

"Children for whom the Department is legally responsible" means children for whom the Department has temporary protective custody, custody or guardianship via court order, or children whose parent(s) signed an adoptive surrender or voluntary placement agreement with the Department.

"Department" as used in this Part, means the Department of Children and Family Services.

"Family" means one or more adults and children, related by blood, marriage, or adoption and residing in the same household.

"Federally-funded foster care" means foster care maintenance payments made in accordance with Title IV-E of the Social Security Act for which federal matching grants are received.

"Foster care payment" means the amount paid by the Department for a child's room, board, clothing, and personal allowance in a licensed foster family home.

"LEADS" means Law Enforcement Agency Data System.

"Parents" means the child's legal parents whose parental rights have not been terminated and adoptive parents. Biological fathers are considered legal parents when paternity has been established as required by the definition in this Section.

"Permanency goal" means the continuous living arrangement which the Department deems desirable for and available to the child. A permanent legal status is usually a component of the permanency goal. The means for attaining a permanency goal as well as the goal itself can change as the child's developmental and emotional needs change or as the child's and family's circumstances change.

"Permanent family placement" means placement in a foster family home or a relative home which is intended to last until the child reaches age 21 or until the child is capable of self-sufficiency. The Department may retain guardianship of the child or the foster parent or relative may assume guardianship of the child.

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"Permanent legal status" means a legally binding relationship between a child and a family as established by birth or a court of law.

"Relative," for purposes of placement of children for whom the Department is legally responsible, means any person, 21 years of age or over, other than the parent, who:

- is currently related to the child in any of the following ways by blood or adoption: grandparent, sibling, great-grandparent, uncle, aunt, nephew, niece, first cousin, great-uncle, or great-aunt, or
- is the spouse of such a relative, or
- is the child's step-father, step-mother, or adult step-brother or step-sister.

Relative also includes a person related in any of the foregoing ways to a sibling of a child, even though the person is not related to the child, when the child and its sibling are placed together with that person. [20 ILCS 505/7(b)]

"Substitute care" means the care of children who require placement away from their families. Substitute care includes foster family care, care of a child for whom the Department is legally responsible provided in a relative family home, care provided in a group home, and care provided in a child care or other institution.

"Voluntary placement agreement" means a time-limited written request and consent from a parent, guardian or legal custodian of a child for placement of the child out of the home. When signed by designated Department staff, the Department agrees to provide child welfare services which include placement.

(Source: Added at 19 Ill. Reg. 9438, effective JUL 01 1995)

Section 301.30 Introduction

Placement or substitute care services means the care of children for whom the Department is legally responsible who require a living arrangement away from their families due to abuse, neglect, dependency, voluntary surrender of parental rights, or voluntary placement agreement and for whom the Department has determined that family preservation services are not appropriate because such services are not in the child's best interest or would not protect the child from imminent risk of harm. Placement services include foster family or relative home care, care provided in a group home or child care institution or other institution. Placement is intended to be a temporary situation for the children during the time that the parents' ability to care for the child is being evaluated or the parents are receiving services to alleviate the problems in the home so the family can be reunited. However, there may be times when it is in the best interests of the child to seek a permanent placement away from

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the child's family. In these instances a permanency goal other than family reunification is sought. The complete range of permanency goals is described in 39 Ill. Adm. Code 305, Client Service Planning.

(Source: Added at 19 Ill. Reg. 9438, effective JUL 01 1995)

Section 301.40 Legal Authority to Place

The Department shall not place children until it has the appropriate legal authority to do so. Such legal authority includes:

- a) temporary protective custody in accordance with the Abused and Neglected Child Reporting Act (325 ILCS 5);
- b) adoptive surrender in accordance with the Adoption Act (750 ILCS 50);
- c) custody or guardianship in accordance with the Juvenile Court Act of 1987 (705 ILCS 405); or
- d) temporary custody with written consent of the parent(s) or, if the child is not in the custody of either parent, written consent of the guardian or custodian of the child, in accordance with the Children and Family Services Act (20 ILCS 505). A written consent from a parent, guardian or legal custodian requesting temporary placement services for their child(ren) is known as a voluntary placement agreement. A voluntary placement agreement may be entered into for a maximum of 60 days when it is in the best interests of the children. A voluntary placement agreement requires prior written approval of the administrator in charge of the Department region or designee. A voluntary placement agreement may be renewed for an additional 60 days only with the prior non-delegable written approval of the administrator in charge of the Department region.

(Source: Added 1995¹ at 19 Ill. Reg. 9438, effective JUL 01 1995)

Section 301.50 Emergency Placement

Emergency placement services shall be provided immediately when the provision of other services are not in the child's best interests and will not ensure the safety of the child because the Department has reason to believe:

- a) that leaving the child in the home of his or her caregiver would present an imminent danger to the child's life or health; or
- b) that a child has been left unsupervised for an unreasonable period of time without regard for the mental or physical health, safety, or welfare of the child and the child's parent or caregiver cannot be readily located; or
- c) that services directed toward keeping the family together would not sufficiently protect the child from harm, thus endangering the child's safety and well-being; or
- d) that the child appears to be severely ill or injured and the parent or

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caregiver is unable to care for the child in this situation; or

- e) the child is abandoned; or
 f) the child is a runaway in accordance with 89 Ill. Adm. Code 329, Return of Runaway Children.

(Source: Added at 19 Ill. Reg. 9438, effective
JUL 01 1995)

Section 301.60 Placement Selection Criteria

- a) All placement decisions will be made consistent with the best interests and special needs of the child. When a child is removed from the care of a custodial parent, the placing worker shall explore whether the non-custodial parent would be a suitable caregiver for the child. If placement with the non-custodial parent is not consistent with the best interests and special needs of the child or if the non-custodial parent is not a suitable caregiver for the child, placement in substitute care shall be considered.

- b) Substitute care placement decisions consistent with the best interests and special needs of the child shall be made in consideration of the following:

- 1) the least restrictive setting appropriate for the child which most closely approximates a family;
- 2) placement within reasonable proximity to the child's home when the permanency goal is return home, and within the child's school district, whenever possible, taking into account any special needs of the child and family, the importance of maintaining continuity of the children's educational and social relationships, and the availability of the service resources needed for the child and family;
- 3) a home that, if possible, most closely approximates the religious, racial, ethnic and cultural background of the child; and
- 4) placement, if the child is of American Indian heritage, according to criteria described in 89 Ill. Adm. Code 307, Indian Child Welfare Services.

(Source: Added at 19 Ill. Reg. 9438, effective
JUL 01 1995)

Section 301.80 Relative Home Placement

- a) A child for whom the Department is legally responsible may be placed in the home of a relative when the Department has reason to believe that the relative can safely and adequately care for the child in the absence of formal licensing, including training. In determining whether relative home placement is in the best interests of the child, the placing worker shall consider the child's prior relationship with

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the relative, the comfort level of the child with the relative, and the extent to which the relative complies with the placement selection criteria of Section 301.60(b).

- b) No child under age 18 for whom the Department is legally responsible shall be placed with a relative unless the conditions for placement specified in this Section have been met prior to placement of the child with the relative. Staff of the placing agency shall meet with the relative and ascertain that the relative meets the following conditions for placement and signs an agreement to that effect. The relative:

- 1) will care for no more than the number of children consistent with the number and ages of children permitted in a licensed foster family home (89 Ill. Adm. Code 402, Licensing Standards for Foster Family Homes);
 - 2) is willing and capable of protecting the child(ren) from harm by the parent(s) or any other person whose actions or inactions allegedly threatened the child(ren)'s safety or well-being as determined by a child abuse or neglect investigation pursuant to the Abused and Neglected Child Reporting Act (325 ILCS 5);
 - 3) agrees not to transfer physical custody of the child(ren) to anyone, including parent(s) or other relative(s), unless previously authorized in writing by the Department;
 - 4) agrees not to allow the indicated or alleged perpetrators of abuse or neglect to reside in the relative's home unless previously authorized in writing by the Department;
 - 5) agrees to notify the Department of any changes in the household composition;
 - 6) agrees to notify the Department of any change of address;
 - 7) agrees to seek the prior written consent of the Department for non-emergency medical, psychological, or psychiatric testing or treatment;
 - 8) agrees to take the child(ren) out of state only if previously authorized in writing by the Department;
 - 9) agrees to abide by any conditions or limitations on the parent-child visitation plan which have been imposed by the court or are contained in the client service plan;
 - 10) is willing to cooperate with the agency, the child(ren)'s parent(s) and other resource persons to help develop and achieve the permanency goal recorded in the child(ren)'s service plan; and
 - 11) agrees to adequately supervise the children so they are not left in situations or circumstances which are likely to require judgment or actions greater than the child's level of maturity, physical condition, and/or mental abilities would reasonably dictate.
- c) Prior to placement with a relative, staff of the placing agency shall visit the home of the proposed caregiver and shall determine whether the following conditions for placement are met:

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- 1) background checks of the Child Abuse Neglect Tracking System (CANTS) as required by 89 Ill. Adm. Code 385 (Background Checks) have been completed on all adult members of the household and children age 13 and over, communicated to the supervising agency prior to placement, and appropriate decisions made. If a report of abuse or neglect exists, staff of the placing agency have made appropriate decisions whether the child should be placed with the relative based on the following considerations:
 - A) the type of indicated abuse and neglect;
 - B) the age of the individual at the time of the report;
 - C) the length of time that has elapsed since the most recent indicated report;
 - D) the relationship of the report to the ability to care for the related children; and
 - E) evidence of successful parenting.
- 2) a check of the Law Enforcement Agency Data System (LEADS) on all adult members of the household is completed prior to placement of the related child(ren). If the results of the LEADS check identify prior criminal convictions listed in Appendix A of 89 Ill. Adm. Code 301, Placement and Visitation Services, for any adult member of the household, child(ren) shall not be placed in the relative's home unless a waiver has been granted in accordance with the requirements of Appendix A of this Part.
- 3) the home is free from observable hazards;
- 4) prescription and non-prescription drugs, dangerous household supplies, dangerous tools, weapons, guns and ammunition are stored in places inaccessible to children;
- 5) basic utilities -- water, heat, electricity -- are in operation;
- 6) sleeping arrangements are suitable to the age and sex of the child(ren);
- 7) meals can be provided daily to the related child(ren) in sufficient quantities to meet the child(ren)'s nutritional needs;
- 8) supervision of the related child(ren) can be assured at all times including times when the relative is employed or otherwise engaged in activity outside of the home;
- 9) the relative can provide basic necessities for themselves and their own child(ren);
- 10) the relative can access health care and provide necessary in-home support for any health care needs of the related child(ren);
- 11) no member of the household appears to have a communicable disease which could pose a threat to the health of the related child(ren) or an emotional or physical impairment which could affect the ability of the caregiver to provide routine daily care to the related child(ren) or to evacuate them safely in an emergency;
- 12) there is no evidence of current drug or alcohol abuse by any household member as determined by the placing agency's observations and statements provided by the relative;
- 13) the relative has the ability to contact the agency, if necessary,

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- and the ability to be contacted;
- 14) the relative has immediate access to a telephone when the related child has medical or other special needs;
- 15) the relative shall cooperate with the supervising agency's educational and service plan for the child; and
- 16) the relative shall cooperate with the requirements for obtaining financial support for the care of the child including, if the relative is unlicensed, completing the Aid to Families with Dependent Children (AFDC) application and eligibility determination process. If the relative fails to complete the AFDC application and eligibility determination process within 90 days after the date the child was placed with the relative, the relative will receive no payment from the Department. In such cases, the supervising agency shall reassess the continued suitability of the relative's home.
- d) Prior to or concurrent with placement in a relative's home, staff of the placing agency shall document, on the form prescribed by the Department, that the conditions for placement prescribed by this Section have been met.
- e) The supervising agency shall reassess the appropriateness of the relative home placement on an on-going basis and at least prior to each administrative case review or at any point the supervising agency has reason to believe the relative caregiver can no longer safely or adequately care for the child(ren). Appropriateness is determined by the extent to which the home is in compliance with the conditions described in subsections (b) and (c) above and by an evaluation of the continued safety of the children, including an evaluation of any pending criminal charges against any adult members of the household.
- f) The Department may, after providing notice as required by 89 Ill. Adm. Code 337, Service Appeal Process, move the child to another placement if the Department determines, based on the continuing safety and well-being of the child, the child's permanency goal, and the best interests or special needs of the child, that an alternative placement is necessary.
- g) Only placements in licensed foster family homes receive the foster care payment rate. Relatives who care for children for whom the Department is legally responsible may, but need not, apply for licensure as a foster family home in accordance with the requirements of 89 Ill. Adm. Code 402, Licensing Standards for Foster Family Homes. When a relative is licensed under Part 402, the relative will receive the established foster care payment rate appropriate for the number and ages of foster children placed in care. Relatives who are unlicensed receive the child only standard of need.

(Source: ~~306~~ **306** 1 1995) 19 Ill. Reg. **9438**, effective

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- a) Foster family home care is provided in licensed foster family homes for children who cannot remain in the home and who can benefit from a family structure of care. The Department shall have legal responsibility for the child before the child is placed in a foster family home. The home shall have received a license or permit under the provisions of 89 Ill. Adm. Code 402, Licensing Standards for Foster Family Homes, before it receives children for foster care payment.
- b) Although foster family home care is generally provided to children whose parents are unable or unwilling to protect or care for them, it is also available for hearing impaired children who require special education not available in their home communities. The Department is not legally responsible for the children receiving this unique placement service. Care is provided in cooperation with the Illinois State Board of Education.
- c) In addition to the training required for licensure under Section 402.12(1) of 89 Ill. Adm. Code 402, Licensing Standards for Foster Family Homes, foster parents must receive additional training on content approved by the Department in order to care for children unrelated to them.

(Source: Added at 19 Ill. Reg. 9438, effective JUL 01 1995)

Section 301.100 Residential Care

Residential care is provided in licensed group homes and residential care facilities (child care institutions). Group home care is provided for youth unable to adjust to family living who need a less structured living situation than is provided in residential care facilities. Placement in a residential care facility shall be made only when no other less restrictive setting is appropriate for children requiring intensive services to change behaviors which significantly interfere with their ability to cope with daily life or which preclude placement in a family setting.

(Source: Added at 19 Ill. Reg. 9438, effective JUL 01 1995)

Section 301.110 Care in a Medical/Psychiatric Facility

Care in a medical or psychiatric facility is provided for:

- a) children who require long term care on an ongoing basis in an intermediate or skilled nursing care facility because of a severe physical or mental disability.
- b) children who require acute or long term care on an ongoing basis because of a severe emotional handicap.

(Source: Added at 19 Ill. Reg. 9438, effective JUL 01 1995)

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Section 301.120 Sharing Appropriate Information with the Caregiver

- a) At the time the Department places a child in foster care or other substitute care setting or prior to the placement of the child, whenever possible, the Department shall provide available information about the child necessary for the proper care of the child to the foster parent or other caregiver.
- b) This information includes:
- 1) the medical history of the child including known medical problems or communicable diseases, information concerning the immunization status of the child, and insurance and medical card information;
 - 2) the school history of the child, including any special educational needs;
 - 3) a copy of the child's portion of the client service plan, case history of the child, including how the child came into care, the child's legal status, the permanency goal for the child and a history of the child's previous placements, criminal history, if any, and reasons for placement changes, excluding information that identifies or reveals the location of any previous foster or relative home caregiver; and
 - 4) other background information of the child, including behavior problems, any prior criminal history, habits, likes, dislikes, etc.
- c) Information subject to the Mental Health and Developmental Disabilities Confidentiality Act shall be shared only in accordance with 89 Ill. Adm. Code 431, Confidentiality of Personal Information of Persons Served by the Department, Section 431.100.
- d) Information regarding Acquired Immunodeficiency Syndrome (AIDS), AIDS Related Complex (ARC) or Human Immunodeficiency Virus (HIV) test results, shall be shared only in accordance with 89 Ill. Adm. Code 431, Confidentiality of Personal Information of Persons Served by the Department, Section 431.110.
- e) When the information in subsections (b), (c) and (d) is not available at the time of placement, the caregiver shall be given what information is available and advised that additional information will be provided when it is received.

(Source: Added at 19 Ill. Reg. 9438, effective JUL 01 1995)

Section 301.130 Medical Examinations for Children in Placement

The Department shall ensure that:

- a) all children entering substitute care receive an initial health screening within 24 hours of the Department assuming legal custody of a child, preferably, before placement, regardless of the type of

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custody (i.e., protective custody, temporary custody, or voluntary placement agreement);

- b) all children for whom the Department is awarded temporary custody receive a comprehensive health evaluation which meets the requirements of the Department of Public Aid's Early and Periodic Screening, Diagnosis and Treatment (EPSDT) schedule within 21 days of the date on which the Department was given temporary custody of a child; and
- c) all children entering substitute care via a voluntary placement agreement receive a comprehensive health evaluation within 21 days of the date on which the Department accepted custody of the child via the voluntary placement agreement.

(Source: Added at 19 Ill. Reg. 9438, effective JUL 01 1995)

Section 301.140 Education of Children While in Placement

When children are placed in substitute care, the Department shall ensure that they are enrolled in school in accordance with the provisions of 89 Adm. Code 314, Educational Services and that they receive the educational services required by that Part.

(Source: Added at 19 Ill. Reg. 9438, effective JUL 01 1995)

SUBPART C: FOSTER CARE PLACEMENT GOAL

Section 301.310 Purpose

The purpose of this Subpart is to comply with Federal requirements by establishing the Department's goal for the maximum number of children who will remain in Federally funded foster care after having been in such care for a period in excess of 24 months. In addition, this Subpart explains the Department's plans to achieve this goal.

(Source: Section 301.310 renumbered from Section 301.309 and amended at 19 Ill. Reg. 9438, effective JUL 01 1995)

Section 301.320 Foster Care Placement Goal

The Department of Children and Family Services has set the following percentage goal which is applicable at any time during each Federal Fiscal Year. A maximum of 60% of all children receiving Aid to Families With Dependent Children under Title IV-E during a Federal Fiscal Year will remain in foster care if they have been in such care for a period in excess of 24 months.

(Source: Section 301.320 renumbered from Section 301.3 and amended at 19 Ill. Reg. 9438, effective JUL 01 1995)

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Section 301.330 Plans to Achieve This Goal

- a) In order to achieve this goal, the Department shall observe the necessary prerequisites of client service planning set forth in 89 Ill. Adm. Code 305, Client Service Planning, in providing the child welfare services described in 89 Ill. Adm. Code 302, Services Delivered By The Department. Such planning and service delivery shall:
- 1) assure that parental visits with children who are to be returned home are arranged as scheduled and agreed upon in the service plan;
 - 2) acquire or provide appropriate services to the family and/or child;
 - 3) contact the family and/or child on a regular basis to provide supportive casework services;
 - 4) develop and implement service plans, as provided for in 89 Ill. Adm. Code 305: Client Service Planning, which can be understood by the participating family members; and
 - 5) conduct reviews of these cases as required by State law, consistent with the program guidelines in 42 U.S.C.A. 670 et seq.
- b) If it is determined that children cannot be returned home and an adoptive family must be sought, the Department shall:
- 1) seek the termination of the biological family's parental rights,
 - 2) conduct an extensive search for an appropriate adoptive family, and
 - 3) provide supportive casework services to the adoptive family, if appropriate.

(Source: Section 301.330 renumbered from Section 301.4 and amended at 19 Ill. Reg. 9438, effective JUL 01 1995)

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301.APPENDIX A Criminal Convictions which Prevent Placement of Children with Relatives

- a) Children for whom the Department of Children and Family Services is legally responsible shall not be placed with a relative, as defined in this Part, or allowed to remain in the home of a relative if the relative caregiver or any adult member of the household has been convicted of committing any of the following crimes, except as allowed via a waiver process below.

1) Homicide

- A) Murder*
- B) Solicitation of murder*
- C) Solicitation of murder for hire*
- D) Intentional homicide of an unborn child*
- E) Voluntary manslaughter of an unborn child*
- F) Involuntary manslaughter*
- G) Reckless homicide*
- H) Concealment of a homicidal death*
- I) Involuntary manslaughter of an unborn child*
- J) Reckless homicide of an unborn child*
- K) Drug induced homicide*

2) Sex Offenses

- A) Child pornography*
- B) Exploitation of a child*
- C) Sexual exploitation of a child*
- D) Obscenity
- E) Harmful materials
- F) Tie in sales of obscene publications to distributors
- G) Indecent solicitation of a child*
- H) Public indecency
- I) Sexual relations within families*
- J) Prostitution
- K) Soliciting for a prostitute
- L) Soliciting for a juvenile prostitute*
- M) Pandering
- N) Keeping a place of prostitution*
- O) Keeping a place of juvenile prostitution*
- P) Patronizing a prostitute
- Q) Patronizing a juvenile prostitute*
- R) Pimping
- S) Juvenile pimping*

3) Kidnapping and Related Offenses

- A) Kidnapping

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- B) Aggravated unlawful restraint
- C) Forcible detention
- D) Aiding and abetting child abduction*
- E) Aggravated kidnapping
- F) Child abduction*

4) Bodily Harm

- A) Aggravated battery of a child*
- B) Criminal sexual assault*
- C) Aggravated criminal sexual assault*
- D) Criminal sexual abuse*
- E) Aggravated sexual abuse*
- F) Heinous battery*
- G) Aggravated battery with a firearm
- H) Tampering with food, drugs, or cosmetics
- I) Drug-induced infliction of great bodily harm
- J) Aggravated stalking
- K) Home invasion
- L) Vehicular invasion
- M) Criminal transmission of HIV
- N) Criminal neglect of an elderly or disabled person
- O) Child abandonment*
- P) Endangering the life or health of a child*
- Q) Ritual mutilation
- R) Ritualized abuse of a child*

- 5) An offense in any other state the elements of which are similar and bear a substantial relationship to any of the foregoing offenses.

- b) If the relative caregiver or any adult member of the household has been convicted of one of the crimes in subsections (a)(1) or (5) above marked by an asterisk, any request for a waiver must be submitted in writing to the Director of the Department for his or her personal approval. The supervising agency shall submit the following information along with the request for waiver of the criminal conviction(s).

- 1) the age of the individual at the time of the conviction(s);
- 2) the length of time that has elapsed since the last conviction(s);
- 3) the relationship of the crime and the capacity to care for related children;
- 4) evidence of rehabilitation; and
- 5) opinions of community members concerning the individual in question.
- c) If the relative caregiver of any adult member of the household has been convicted of one of the crimes identified in subsections (a)(1) through (5) above not marked by an asterisk, related children for whom DCFS is legally responsible shall not be placed in or continue to

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remain in the relative caregiver's household unless a waiver of this prior criminal history has been granted in accordance with the requirements of this subsection. The Director of the Department shall designate specific Department employees who have the authority to grant such waivers on a 24 hour per day basis. When the supervising agency believes that there have been extraordinary circumstances surrounding the criminal history or the convicted person(s) has been successfully rehabilitated and placement in the relative's household is in the best interests of the children, the supervising agency may request a waiver of this prior criminal history by asking the Department to consider the factors in (b) above. Such requests may be made orally, but must be confirmed in writing. The Department's decision with regard to the request for a waiver shall be documented in writing and included in the child's case record.

(Source: Added at 19 Ill. Reg. 9438.1, effective JUL 01 1995)

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- 1) Heading of the Part: Licensing Standards for Foster Family Homes
- 2) Code Citation: 89 Ill. Adm. Code 402
- 3) Section Numbers: Proposed Action:

402.2	Amend
402.3	Repeal
402.4	Amend
402.6	Amend
402.7	Amend
402.8	Amend
402.9	Amend
402.12	Amend
402.13	Amend
402.15	Amend
402.Appendix A	New

- 4) Statutory Authority: The Child Care Act of 1969 [225 ILCS 10/1]
- 5) Effective Date of Amendments: July 1, 1995
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Do these amendments contain incorporations by reference? No.
- 8) Date filed in Agency's Principal Office: July 1, 1995
- 9) Notice of Proposal Published in Illinois Register: March 24, 1995, 19 Ill. Reg. 3648
- 10) Has JCAR issued a Statement of Objections to these rules? No.
- 11) Difference between proposal and final version: Minor editing changes were made in accordance with the recommendations from the Joint Committee on Administrative Rules and the Administrative Code Unit. Changes were also made in response to public comments and due to Department decisions.

Section 402.2 Definitions

"Child care facility", changed the Code citation to read "[225 ILCS 10/2.05]".

Added the following definition after the definition of "Common parentage:"

"Complete application for foster family home license" means a completed written application form; written authorization by the applicant and all adult members of the household to conduct a criminal

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background investigation; medical evidence in the form of a medical report, on forms prescribed by the Department, that the applicant and all members of the household are free from communicable diseases or physical and mental conditions that affect their ability to provide care for the child or children; the names and addresses of at least 3 persons not related to the applicant who can attest to the applicant's moral character; and fingerprints submitted by the applicant and all adult members of the applicant's household. [225 ILCS 10/4].

"Foster family home", added "or related" immediately after the proposed word "unrelated", added "no more than 8" after the proposed word "receive"; added "or unrelated" immediately before the word "children"; added "placed by the Department, unless the children are of common parentage," after the word "children"; added "or relative's" after the proposed word "family's" and added the statutory citation [225 ILCS 10/2.17] at the end of the sentence.

"Relative", deleted the proposed definition for "Relative" and replaced it with the following definition:

"Relative," for purposes of placement of children for whom the Department is legally responsible, means any person, 21 years of age or over, other than the parent who:

- is currently related to the child in any of the following ways by blood or adoption: grandparent, sibling, great-grandparent, uncle, aunt, nephew, niece, first cousin, great-uncle, or great-aunt or
- is the spouse of such a relative, or
- is the child's step-father, step-mother, or adult step-brother or step-sister.

Relative also includes a person related in any of the foregoing ways to a sibling of a child, even though the person is not related to the child, when the child and its sibling are placed together with that person. [20 ILCS 505/7(b)].

Section 402.3 - Repealed this section in its entirety.

Section 402.4

(a), added "Applications submitted to the Department after July 1, 1995 shall be a complete application for a foster family home license, as defined in Section 402.2." as the second sentence.

(b), struck through the word "process"; added "criminal background

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checks" after the word "authorize"; struck through the word "fingerprinting"; added "and shall submit to fingerprinting" after the word "Applicants." Deleted the proposed added sentence in its entirety.

(c), added a sentence which reads: When the application for a license is denied, the supervising agency shall advise the applicant in writing of the reasons for the denial.

(d) (2), removed the strikeouts from "address" and deleted "location" in its entirety.

(e), added the following language after the word time: ", including following the denial of an application for license,".

Section 402.7

(e), removed the strikeouts from "an address" and "address" where it appears and deleted the proposed word "location" in both places.

Section 402.8

(f), removed the strikeouts and removed the proposed added sentence which begins "The foster home"

Section 402.9

(b), removed the proposed language in its entirety and replaced it with the following language:

(b) If children placed in foster care exhibit sexually aggressive behavior, sleeping arrangements for the sexually aggressive child shall comply with the requirements of a safety plan approved by the Department.

(d), Struck through the "or"; removed the proposed added language "under six years of age" and removed "through (h)".

Removed proposed (f) (g) and (h) in their entirety and replaced with the following:

f) The supervising agency may approve the use of a multi-purpose room for use as a bedroom in order to enable children of common parentage to be placed together or when it enables a placement which is otherwise in the best interests of the child(ren). Such approvals shall be in writing and shall contain the name(s) and birth date(s) of the children for whom the approval was issued. These approvals shall be reviewed and reapproved at each license

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renewal.

Relettered these subsections appropriately.

In relettered subsection (g), removed the strike-outs from room and deleted the word "bedroom" in both lines.

In relettered subsection (h) replaced the word "bedroom" with the word "room".

Section 402.12

Section title, struck through "Parents" and replaced it with "Family".

(a), struck through the term "foster parent" and replaced it with "Person" in the first sentence. Removed the proposed second sentence in its entirety.

(b), struck through ", who," and placed a period after "age".

(c), begin a new (c) and began the sentence with the words "Foster parents"; replaced the word "Part" with "89 Ill. Adm. Code"; placed a period after "Applicants" and struck through ", and".

(d), begin a new subsection (d) and added the words "Foster parents" at the beginning of the sentence.

(c), through (g) was relettered to (e) through (i).

(g), new subsection (i), removed the language in its entirety and replaced it with:

i) Foster parents shall complete, as a condition of initial licensure, at least six clock hours of training on content approved by the Department.

Section 402.13

(b), added "unless the offense is one of those listed in Part 402. Appendix after the term "foster parents"; struck through the word "However," and replaced it with "Otherwise,".

Section 402.15

(c), added "or designee" immediately after the word "Services".

(e), added "or designee" immediately after the word "Services" and added the word "subsections" immediately before "(c)(1)".

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Section 402. Appendix A

Added "the Cannabis Control Act [720 ILCS 550], and the Illinois Controlled Substances Act [720 ILCS 570]".

Homicide

Added "Drug induced homicide" at the end of the list.

Kidnapping and Related Offenses

Deleted "Drug induced kidnapping".

Sex Offenses

Added "Public indecency" immediately after the first item; changed "Felony keeping" to "Keeping"; added "keeping a place of juvenile prostitution" and "patronizing a prostitute"; changed "Felony pimping" to "pimping"; "Felony obscenity" to "Obscenity"; "Felony harmful" to "Harmful" and added "Tie in sales of obscene publications to distributors" to the list.

Bodily Harm

Inserted "criminal" after "Aggravated" in "Aggravated sexual assault" and changed "Felony criminal" to "Criminal".

Offenses Directed Against Property

Added "Armed robbery" after "Robbery"; "Vehicular hijacking" after "Aggravated robbery" and "Possession of explosives or explosive incendiary devices" after "Aggravated arson".

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.

13) Will these proposed amendments replace an emergency rule currently in effect? No.

14) Are there any amendments pending on this Part? No.

15) Summary and Purpose of These Adopted Amendments: The Department plans to terminate the approval process for relative family homes effective July 1, 1995. After July 1, 1995, relatives may choose to become licensed as a foster family home under Part 402 or may choose to serve as a relative caregiver in accordance with the requirements of Section 301.80, Relative Home Placement (89 Ill. Adm. Code 301, Placement and Visitation Services).

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The Department has reviewed the current licensing standards for foster family homes and the recommendations of the Licensing Reform Panel (created under the auspices of the B.H. Consent Decree) and determined that some licensing requirements may exclude otherwise qualified relatives from seeking licensure because of the expenses associated with compliance. These amendments reflect many of the recommendations of the Licensing Reform Panel and are intended to modify those standards that may unnecessarily screen out licensed applicants because of income.

6) Information and questions regarding these adopted amendments shall be directed to:

Jacqueline Nottingham, Chief
Office of Rules and Procedures
Department of Children and Family Services
406 East Monroe Street, Station # 222
Springfield, Illinois 62701-1498
(217) 524-1983
TDD: (217) 524-3715

The full text of the adopted rules begins on the following page:

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TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER e: REQUIREMENTS FOR LICENSURE

PART 402

LICENSING STANDARDS FOR FOSTER FAMILY HOMES

Section	Purpose
402.1	Definitions
402.2	Effective Date of Standards (Repealed)
402.3	Application for License
402.4	Application for Renewal of License
402.5	Provisions Pertaining to the <u>License</u> <u>Permits</u>
402.6	Provisions Pertaining to the <u>License</u> <u>Permits</u>
402.7	Provisions Pertaining to the <u>License</u> <u>Permits</u>
402.8	General Requirements for the Foster Home
402.9	Requirements for Sleeping Arrangements
402.10	Nutrition and Meals
402.11	Business and Employment of Foster <u>Family</u> <u>Parents</u>
402.12	Qualifications of Foster Parents
402.13	Background Inquiry
402.14	Health of Foster Family
402.15	Number and Ages of Children Served
402.16	Meeting Basic Needs of Children
402.17	Health Care of Children
402.18	Religion
402.19	Recreation and Leisure Time
402.20	Education
402.21	Discipline of Children
402.22	Emergency Care of Children
402.23	Release of Children
402.24	Confidentiality of Information
402.25	Required Written Consents
402.26	Records to be Maintained
402.27	Licensing Supervision
402.28	Adoptive Homes
402.29	Severability of This Part

APPENDIX A Criminal Convictions Which Prevent Licensure

AUTHORITY: Implementing and authorized by the Child Care Act of 1969 [225 ILCS 101.

SOURCE: Adopted and codified at 5 Ill. Reg. 9548, effective October 1, 1981; emergency amendment at 6 Ill. Reg. 15580, effective December 15, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 3439, effective April 4, 1983; amended at 7 Ill. Reg. 13858, effective November 1, 1983; amended at 8 Ill. Reg. 23197, effective December 3, 1984; amended at 11 Ill. Reg. 4292, effective

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March 1, 1987; emergency amendment at 16 Ill. Reg. 11879, effective July 13, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 267, effective December 21, 1992; emergency amendment at 18 Ill. Reg. 8481, effective May 20, 1994, for a maximum of 150 days; emergency expired on October 17, 1994; amended at 19 Ill. Reg. 1801, effective February 1, 1995; amended at 19 Ill. Reg. 9463, effective JUL 01 1995.

Section 402.2 Definitions

"Child" means any person under 18 years of age.

"Child-care facility" means any person, group of persons, agency, association or corporation which arranges for or cares for children unrelated to the operator of the facility, apart from the parents. Child-care facilities may be established for profit or not for profit.

"Child care facility" means any person, group of persons, agency, association or organization, whether established for gain or otherwise, who or which receives or arranges for care or placement of one or more children, unrelated to the operator of the facility, apart from the parents, with or without the transfer of the right of custody in any facility as defined in the Child Care Act of 1969, established and maintained for the care of children. Child care facility includes a relative who is licensed as a foster family home pursuant to Section 4 of the Child Care Act of 1969. [225 ILCS 10/2.05]

"Classifiable fingerprints" means fingerprints have been obtained through an electronic or ink printing process which were determined to provide sufficiently clear impressions to identify the individual from whom the prints were obtained.

"Common parentage" means having the same biological or adoptive father, the same biological or adoptive mother, or the same biological or adoptive father and mother.

"Complete application for foster family home license" means a completed written application form; written authorization by the applicant and all adult members of the household to conduct a criminal background investigation; medical evidence in the form of a medical report, on forms prescribed by the Department, that the applicant and all members of the household are free from communicable diseases or physical and mental conditions that affect their ability to provide care for the child or children; the names and addresses of at least 3 persons not related to the applicant who can attest to the applicant's moral character; and fingerprints submitted by the applicant and all adult members of the applicant's household. [225 ILCS 10/4]

"Department" means the Department of Children and Family Services.

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"Foster family home" means the residence of the family which provides full-time family care and training to children unrelated to them. Foster family homes are limited to a maximum of 8 children including the foster family's children unless all of the children unrelated to the foster family are of common parentage or the Director of the Department of Children and Family Services has waived the limit of 8 unrelated children for good cause pursuant to Section 402.15-(b) and only to facilitate an adoptive placement.

"Foster family home" means a facility for child care in residences of families who receive no more than 8 children unrelated or related to them, unless all the children are of common parentage, or residences of relatives who receive no more than 8 related or unrelated children placed by the Department, unless the children are of common parentage, for the purpose of providing family care and training for the children on a full-time basis, except the Director of Children and Family Services, pursuant to Department regulations, may waive the limit of 8 children unrelated to an adoptive family for good cause to facilitate an adoptive placement. The family's or relative's own children, under 18 years of age, shall be included in determining the maximum number of children served. [225 ILCS 10/2.17]

"Full-time care" means the child is a resident of the household, whether on a temporary, emergency, or permanent basis, and is receiving family care usually provided by a parent or guardian.

"LEADS" means the Law Enforcement Agency Data System.

"License" means a document issued by the Department of Children and Family Services which authorizes child care facilities to operate in accordance with applicable standards and the provisions of the Child Care Act.

"Licensee" means those individuals, agencies, or organizations who hold a license or permit issued by the Department of Children and Family Services.

"Licensing applicant" means those individuals, agencies, or organizations who applied for a license from the Department of Children and Family Services.

"Licensing representative" means those Department staff or other persons authorized under the Child Care Act to examine facilities for licensure.

"Minor traffic violation", as used in this Part, means a traffic violation under the laws of the State of Illinois or any municipal authority therein or another state or municipal authority which

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resulted in a fine of \$100.00 or less without other penalty such as license suspension or revocation, probation, jail sentence or community service work.

"Permit" means a one-time only document issued by the Department of Children and Family Services for a two month period to allow the individual(s) to become eligible for a license.

"Relative," for purposes of placement of children for whom the Department is legally responsible, means any person, 21 years of age or over, other than the parent, who:

- is currently related to the child in any of the following ways by blood or adoption: grandparent, sibling, great-grandparent, uncle, aunt, nephew, niece, first cousin, great-uncle, or great-aunt, or
- is the spouse of such a relative, or
- is the child's step-father, step-mother, or adult step-brother or step-sister.

Relative also includes a person related in any of the foregoing ways to a sibling of the child, even though the person is not related to the child, when the child and its sibling are placed together with that person. 20 ILCS 505.7(b)1

"Supervising agency", for the purpose of this part, means a licensed child welfare agency, a license-exempt agency, or the Department of Children and Family Services.

(Source: Amended at 19 Ill. Reg. 94 6 3 1, effective JUL 0 1 1995)

Section 402.3 Effective Date of Standards (Repealed)

~~The standards prescribed in this part shall become effective upon the date they are officially adopted and published and shall apply immediately to all facilities which are not currently licensed. Foster family homes licensed at the time this rule is officially adopted and published shall have 6 months from that date to comply with the new or revised standards.~~

(Source: Repealed at 19 Ill. Reg. 94 6 3 1, effective JUL 0 1 1995)

Section 402.4 Application for License

- a) Application for license as a foster family home shall be completed, signed by the foster parent applicant(s), and filed with the Department of Children and Family Services by the supervising agency on forms prescribed by the Department. Applications submitted to the Department after July 1, 1995 shall be a complete application for a

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foster family home license, as defined in Section 402.2. Any relative who receives a child or children for placement on a full-time basis may apply for a license to operate a foster family home as defined in Section 2.17 of the Child Care Act of 1969 [225 ILCS 10/2.17].

- b) As part of the application process, each foster family home applicant and adult member of the household shall authorize criminal background checks ~~fingerprinting~~ in accordance with Part 89 Ill. Adm. Code 380, Background Check of Foster Family Home Applicants, and shall submit to fingerprinting to determine if the applicant individual has ever been charged with a crime, and if so, the disposition of the charges.

- c) The supervising agency shall study each foster home under its supervision before recommending issuance of a license. The licensing study shall be conducted by a qualified licensing representative and shall be reviewed and approved by ~~his~~ the assigned supervisor. Supervisory approval indicates recommendation for license or denial of a license and compliance or non-compliance with the standards. The study shall be in writing and shall be signed by the licensing representative performing the study and by ~~his~~ the assigned supervisor. When the application for a license is denied, the supervising agency shall advise the applicant in writing of the reasons for the denial.

- d) A new application shall be filed when any of the following occurs:

- 1) when an application for license has been withdrawn, and the licensee or agency seeks to reapply; or
- 2) when there is a change in the name of the licensee, the address of the foster home, the supervising agency, or the area in the home used to children; or
- 3) when there is a change in the status of joint licensees, such as separation, divorce, or death; or
- 4) when the Department has revoked or refused to renew a license, and a new license is sought.

- e) A new application may be submitted at any time, including following the denial of an application for license, except that when a license has been revoked or the Department has refused to renew a license, the licensee may not reapply for licensure as a foster family home for a period of one year after revocation or refusal to renew.

(Source: Amended at 19 Ill. Reg. 94 6 3 1, effective JUL 0 1 1995)

Section 402.7 402.6 Provisions Pertaining to Permits the license

- a) A two month permit may be issued only with the personal written approval of the Director of the Department when:

- 1) The application for license has been completed and signed by the foster parent applicant(s) and submitted to the Department;
- 2) The required background check forms have been completed in accordance with 89 Ill. Adm. Code 380, Background Check of Foster

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Family Home Applicants, classifiable fingerprints, as defined in this Part, have been obtained, and a LEADS check has been completed which finds no history of criminal activities for the foster home applicants:

- 3) A complete licensing study has been conducted by the licensing representative and it has been determined that the family is in reasonable compliance with all applicable standards except for receipt, review, and disposition of the criminal background check required by 89 Ill. Adm. Code 380, Background Check of Foster Family Home Applicants;
- 4) furnishing, equipment and space sufficient for the children have been acquired; and
- 5) the applicants have signed:

- A) affidavits indicating that they have not been convicted or charged with a crime other than a minor traffic violation;
- B) acknowledgments that, by virtue of being a foster parent, they are mandated to report suspected child abuse or neglect;
- C) acknowledgements that the permit is time limited and issuance of a license is contingent upon the results of the criminal background check;
- D) acknowledgements that the permit may be cancelled and the Department will refuse to issue a license if the results of the criminal background check are unfavorable; and
- E) acknowledgements that any children placed in their care will be removed without prior notice if information provided during the application process has been falsified or the applicants have a prior criminal history, other than for a minor traffic violation.

- b) A permit shall not be issued retroactively.
- c) Permits shall not be transferred to another person, organization or supervising agency.
- d) Permits shall not be valid for a name or address different from the name and address shown on the issued permit.
- e) Permits shall not be renewable.
- f) A current permit shall be available in the foster home at all times.
- g) A license shall be issued at any time within the two month period covered by the permit provided that the foster family home achieves compliance with the Department's licensing standards.
- n) The foster family shall adhere to the provisions or restrictions specified on the permit.
- i) There shall be no fee or charge for the permit.

(Source: Renumbered from Section 402.7 to Section 402.6 at 19 Ill. Reg. **9463**, effective **JUL 01 1995**)

Section 402-6 402.7 Provisions Pertaining to the License Permits

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- a) A foster family home license is valid for four 2 years unless revoked by the Department or voluntarily given up by the licensee.
- b) The number of children cared for in the foster family home shall not exceed the license capacity and must conform with the requirements for the number and ages of children who may reside in a foster family home.
- c) The foster parents' biological and adopted children under 18 years of age shall be counted when determining license capacity.
- d) The license shall not be transferred to another person.
- e) The license shall not be valid for a name or an address other than the name and address on the license.
- f) A current license shall be available in the foster home at all times.
- g) There shall be no fee or charge for the license.
- h) The foster family shall adhere to the provisions or restrictions specified on the license in accordance with these rules.

(Source: Renumbered from Section 402.6 to Section 402.7 and amended at 19 Ill. Reg. **9463**, effective **JUL 01 1995**)

Section 402.8 General Requirements for the Foster Home

- a) The foster home shall be clean, well ventilated, free from observable hazards, properly lighted and heated, and free of fire hazards.
- c) The water supply of the foster family home shall comply with the requirements of the local and state health departments. If well water is used, a copy of the Inspection Report and Compliance with Regulations shall be on file with the supervising agency.
- c) Portable space heaters may be used as a supplementary source of heat if they meet safety approval standards (Underwriters Laboratories) and are used in accordance with local and State building and fire codes. Portable space heaters may not be used in rooms where children are sleeping. Portable and fixed space heaters in areas occupied by children shall be separated by fire resistant partitions or barriers to prevent contact with the heater.
- d) Prescription and nonprescription drugs, dangerous household supplies, dangerous tools, weapons, guns, and ammunition shall be kept in a safe place. Loaded guns shall not be kept in a foster home unless required by law enforcement officers and in accordance with their law enforcement agency's safety procedures.
- e) The foster home shall comply with all requirements of the state laws and municipal codes for household pets. Certificates of inoculation for rabies shall be available for inspection.
- f) The foster home shall have an operating telephone on the premises unless the supervising agency has approved a written plan detailing the immediate and unrestricted access to such an instrument.
- g) The foster home shall have fire and emergency evacuation plans which are to be discussed and routinely rehearsed with the children.
- n) Adequate closet and dresser space comparable to that provided to the

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other children of the household shall be provided for each foster child to accommodate personal belongings.

1) Foster parents shall respect childrens' rights to privacy while sleeping, toileting and dressing.

(Source: Amended at 19 Ill. Reg. 9463, effective JUL 01 1995.)

Section 402.9 Requirements for Sleeping Arrangements

- a) Each foster child shall be provided his own separate bed or crib, except that two children up to age 10 of the same sex with no more than two years difference in their ages may share a double-sized (or larger) bed.
- b) If children placed in foster care exhibit sexually aggressive behavior, sleeping arrangements for the sexually aggressive child shall comply with the requirements of a safety plan approved by the Department.
- b) ~~Children under six years of age may share a room with children of the opposite sex provided sharing the room is approved by the supervising agency; the additional children related to the child is no older than 19 years of age and each child is provided with his/her own separate crib or bed.~~
- c) Child(ren) under six years of age may share a bedroom with related child(ren) of the opposite sex who are also under age six if each child is provided with a separate bed or crib.
- d) ~~A foster child shall not share the bedroom with an adult except under emergency conditions for a brief period of time, or when a child is ill, or needs frequent attention or as allowed in Section 402.9(e) below.~~
- e) When adulthood (age 18) is reached by a foster, biological or adopted child for whom sharing the bedroom with a foster child under eighteen years of age has been determined ~~appropriate by the supervising agency to be in the best interests of the foster child, the supervising agency shall approve such arrangements in accordance with the provisions of this Section.~~
- f) ~~The supervising agency may approve the use of a multi-purpose room for use as a bedroom in order to enable children of common parentage to be placed together or when it enables a placement which is otherwise in the best interests of the child(ren). Such approvals shall be in writing and shall contain the name(s) and birth date(s) of the children for whom the approval was issued. These approvals shall be reviewed and reapproved at each license renewal.~~

g) ~~There shall be a minimum of 40 square feet, excluding the closet and wardrobe area, for the first child occupying a bedroom and a minimum of 35 square feet for each additional child sharing the room. However, the supervising agency may approve a smaller room size on an~~

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individual case basis when such approval is in the best interests of the children. Such approvals shall be in writing and shall contain the names and birth dates of the children for whom the approval was issued. These approvals shall be reviewed at each license renewal.

- h) ~~The room shall be exposed to an outside window or shall have auxiliary means of ventilation.~~
- i) ~~The springs and mattresses on each bed requiring such shall be level, clean, unsoiled with no rips, tears or sags in the mattress or mattress cover, and not infested with insects. The bedding shall be suitable for the season.~~
- j) ~~Linens shall be changed at least weekly for all children and as frequently as needed for children not toilet trained and for those who are enuretic.~~
- k) ~~Waterproof mattress covers shall be provided for all beds or cribs for enuretic children.~~
- l) ~~Sleeping rooms shall be comfortable and shall be furnished suitably for the age and sex of the child.~~

m)

- 1) Basements and attics may be used for sleeping for children who are mobile, capable of self preservation, and able to understand and follow directions with minimal assistance in an emergency.
- 2) Children for whom basement or attic sleeping arrangements may be provided shall be individually evaluated and approved by the supervising agency in accordance with the above cited requirements.
- 3) To be used for sleeping, basements and attics shall have two exits with one exit leading directly to the outside with means to safely reach the ground level. The second exit may be an easily accessible outside window which provides an unobstructed opening, operable from the inside without the use of tools, and large enough to accommodate an adult. The sleeping area shall be separated from the furnace and utility areas.
- 4) No basement or attic shall be used for sleeping without the approval of the supervising agency after consultation with the appropriate safety authority(ies).

(Source: Amended at 19 Ill. Reg. 9463, effective JUL 01 1995.)

Section 402.12 Qualifications of Foster Family Parents

- a) The licensee(s) shall be either a single person ~~foster-parent~~ or a man and woman married to each other. Each foster parent shall be willing and able to assume appropriate responsibilities for the child or children received for care.
- b) Foster parents shall be stable, law abiding, responsible, mature individuals, at least 21 years of age, ~~who~~
- c) ~~Foster parents~~ shall have passed the background check required for

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foster parents and adult members of the household, as required in Part 39 Ill. Adm. Code 380, Background Check of Foster Family Homes Applicants.

1) Foster parents and shall be able to accept agency supervision.

2) Foster parents shall adequately supervise children in their care to assure compliance with laws including, but not limited to, criminal laws.

3) Foster home applicants shall provide the names and addresses of at least three unrelated references who can attest to the applicant's moral character.

4) Unless parental rights have been terminated, foster parents shall respect and support a child's ties to his or her biological family and shall cooperate with the supervising agency and the service plan for the child and his/her family.

5) The foster family shall have sufficient financial resources to provide basic necessities for themselves and their own children and the foster child.

6) Foster parents shall complete, as a condition of initial licensure, at least six clock hours of training on content approved by the Department.

Source: Amended at 19 Ill. Reg. 9463, effective

JUL 01 1995

Section 402.13 Background Inquiry

a) As a condition of issuance or renewal of a license by the Department, foster parents shall furnish information of any offenses (other than minor traffic violations) for which they have been charged. The Department shall make a determination concerning their suitability in working with the child in accordance with this Part and Part 89 Ill. Adm. Code 380, Background Check of Foster Family Home Applicants.

b) Persons who have been convicted of an offense shall not be automatically rejected as foster parents unless the offense is one of those listed in Part 402, Appendix A. Otherwise ~~However~~ the Department shall consider the following:

- 1) the type of crime for which the individual was convicted;
- 2) the number of crimes for which the individual was convicted;
- 3) the nature of the offense(s);
- 4) the age of the individual at the time of conviction;
- 5) the length of time that has elapsed since the last conviction;
- 6) the relationship of the crime and the capacity to care for children;
- 7) evidence of rehabilitation; and
- 8) opinions of community members concerning the individual in question.

(Source: Amended at 19 Ill. Reg. 9463, effective

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Section 402.15 Number and Ages of Children Served

a) The maximum number of children permitted in foster family home is 8, unless all of the foster children are of common parentage, as defined in Section 402.2, or a waiver has been granted in accordance with subsection (b) (c) below. This maximum number includes the foster parents' own children and all other children under the age of 18, cared for on a full-time basis.

b) When determining how many children the foster family home shall serve, disabilities shall be considered at the level at which they function. ~~The Director of the Department of Children and Family Services shall~~

~~waive in writing the maximum number of 8 children to effect an adoptive placement provided the following criteria are met:~~

~~1) a licensed child welfare agency or the Department proposes to place an additional child or children, in the home, for the purpose of adoption;~~

~~2) the child welfare agency or the Department has documented in the child's case record that this home is the most appropriate choice consistent with the best interest of the child or children;~~

~~3) the foster family is otherwise in compliance with the licensing requirements of this Part; and could meet standards for the additional child or children; and~~

~~4) the foster family has requested, in writing, that the Director waive the limit of 8 children under the age of 18 so that an additional child or children may be placed in their home for purposes of adoption;~~

c) The Director of the Department of Children and Family Services or designee shall waive in writing the maximum number of 8 children to effect an adoptive placement provided the following criteria are met:

1) a licensed child welfare agency or the Department proposes to place an additional child or children, in the home, for the purpose of adoption;

2) the child welfare agency or the Department has documented in the child's case record that this home is the most appropriate choice consistent with the best interest of the child or children;

3) the foster family is otherwise in compliance with the licensing requirements of this Part, and could meet standards for the additional child or children; and

4) the foster family has requested, in writing, that the Director waive the limit of 8 children under the age of 18 so that an additional child or children may be placed in their home for purposes of adoption.

e) ~~No more than 4 children under the age of 67 including the foster parents' own children, shall receive full-time care at any one time. No more than 2 children, including the family's own children, shall be~~

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~~under the age of 27 unless the foster parent(s) is aided by a child care assistant at least 16 years of age other than a foster child. The Director of the Department of Children and Family Services may waive the age requirements in this subsection if necessary, to place a child in an adoptive home provided the criteria in subsections (b)(1) through (4) are met.~~

d) ~~Independent foster homes receive children by independent arrangement. These homes are not subject to direct and regular supervision by a child welfare agency. These homes shall not be licensed for more than a maximum of 4 children unless all of the unrelated children are of common parentage. No more than 2 of these children, including the family's own children, shall be under the age of 2 unless of common parentage.~~

d) No more than 4 children under the age of 6, including the foster parent(s)' own children, shall receive full-time care at any one time. No more than 2 children, including the family's own children, shall be under the age of 2, unless the foster parent(s) is aided by a child care assistant at least 16 years of age other than a foster child. The supervising agency may place children whose ages do not comply with this subsection in a foster family home when all of the foster children are of common parentage and the supervising agency's approval of the placement is documented in writing. Such approval shall include the name(s), birth date(s), and the common parent(s)' of the foster child(ren).

e) The Director of the Department of Children and Family Services or designee may waive in writing the age requirements in subsection (d), if necessary, to place a child in an adoptive home provided the criteria in subsections (c)(1) through (4) are met and there are a sufficient number of suitable adult caregivers or child care assistants to insure that the children receive proper care and supervision.

f) A foster child who is the parent of another child placed in the same foster home may serve as a child care assistant in relation to the care of his or her own child. Child care assistants shall meet health requirements as specified in Section 402.14.

g) Independent foster homes receive children by independent arrangement. These homes are not subject to direct and regular supervision by a child welfare agency. These homes shall not be licensed for more than a maximum of 4 children unless all of the unrelated children are of common parentage. No more than 2 of these children, including the family's own children, shall be under the age of 2 unless of common parentage.

(Source: Amended at 19 Ill. Reg. 94631, effective JUL 01 1995)

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Section 402. APPENDIX A Criminal Convictions Which Prevent Licensure

If the foster parent applicant(s) or any adult member of the household has been convicted of committing or attempting to commit one or more of the following serious criminal offenses under the Criminal Code of 1961 [720 ILCS 5], the Cannabis Control Act [720 ILCS 550], and the Illinois Controlled Substances Act [720 ILCS 570], or under any earlier Illinois criminal law or code or an offense in another state, the elements of which are similar and bear a substantial relation to any of the criminal offenses specified below, this conviction will serve as a bar to receiving a foster home license or permit.

OFFENSES DIRECTED AGAINST THE PERSON

HOMICIDE

Murder

Solicitation of murder

Solicitation of murder for hire

Intentional homicide of an unborn child

Voluntary manslaughter of an unborn child

Involuntary manslaughter

Reckless homicide

Concealment of a homicidal death

Involuntary manslaughter of an unborn child

Reckless homicide of an unborn child

Drug induced homicide

KIDNAPPING AND RELATED OFFENSES

Kidnapping

Aggravated kidnapping

Unlawful restraint

Aggravated unlawful restraint

Forcible detention

Child abduction

Aiding and abetting child abduction

SEX OFFENSES

Indecent solicitation of a child

Public indecency

Sexual exploitation of a child

Sexual relations within families

Prostitution

Soliciting for a prostitute

Soliciting for a juvenile prostitute

Pandering

Keeping a place of prostitution

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Keeping a place of juvenile prostitution
Patronizing a prostitute
Patronizing a juvenile prostitute
Pimping
Juvenile pimping
Exploitation of a child
Obscenity
Child pornography
Harmful material
Tie in sales of obscene publication to distributors

BODILY HARM

Felony aggravated assault
Vehicular endangerment
Felony domestic battery
Aggravated battery
Heinous battery
Aggravated battery with a firearm
Aggravated battery of a child
Retarded person
Aggravated battery of an unborn child
Tampering with food, drugs, or cosmetics
Aggravated battery of a senior citizen
Drug induced infliction of great bodily harm
Intimidation
Compelling organization membership of persons
Hate crime
Stalking
Aggravated stalking
Threatening public officials
Home invasion
Vehicular invasion
Criminal sexual assault
Aggravated criminal sexual assault
Criminal sexual abuse
Aggravated sexual abuse
Criminal transmission of HIV
Abuse and gross neglect of a long term care facility resident
Criminal neglect of an elderly or disabled person
Child abandonment
Endangering the life or health of a child
Felony violation of an order of protection
Ritual mutilation
Ritualized abuse of a child

OFFENSES DIRECTED AGAINST PROPERTY

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Felony theft
Robbery
Armed robbery
Aggravated robbery
Vehicular hijacking
Aggravated vehicular hijacking
Burglary
Possession of burglary tools
Residential burglary
Criminal fortification of a residence or building
Arson
Aggravated arson
Possession of explosives or explosive incendiary devices

OFFENSES AFFECTING PUBLIC HEALTH, SAFETY AND DECENCY

Felony unlawful use of weapons
Aggravated discharge of a firearm
Reckless discharge of a firearm
Unlawful use of metal piercing bullets
Unlawful sale or delivery of firearms on the premises of any school
Disarming a police officer
Obstructing justice
Concealing or aiding a fugitive
Armed violence
Felony contributing to the criminal delinquency of a juvenile

DRUG OFFENSES

Possession of more than thirty grams of cannabis
Manufacture of more than 10 grams of cannabis
Cannabis trafficking
Delivery of cannabis on school grounds
Unauthorized production of more than five cannabis sativa plants
Calculated criminal cannabis conspiracy
Unauthorized manufacture or delivery of controlled substances
Controlled substance trafficking
Manufacture, distribution, advertisement of look-alike substances
Calculated criminal drug conspiracy
Permitting unlawful use of a building
Delivery of controlled, counterfeit or look-alike substances to persons under age 18, or at truck stops, rest stops, safety rest areas, or on school property
Using, engaging, or employing persons under 18 to deliver controlled, counterfeit or look-alike substances
Delivery of controlled substances
Sale or delivery of drug paraphernalia

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Felony possession, sale or exchange of instruments adapted for use
of controlled substance or cannabis by subcutaneous injection

(Source: Added at 19 Ill. Reg. 9463, effective
JUL 01 1995)

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1) Heading of the Part: Services Delivered by the Department

2) Code Citation: 89 Ill. Adm. Code 302

3) Section Numbers: Adopted Action:

302.20 Amend
302.40 Amend
302.320 Amend
302.330 Amend
302.340 Amend
302.370 Amend
302.390 Repeal

4) Statutory Authority: The Children and Family Services Act [20 ILCS 505/4].

5) Effective Date of Amendments: July 1, 1995

6) Does this rulemaking contain an automatic repeal date? No.

7) Do these amendments contain incorporations by reference? No

8) Date filed in Agency's Principal Office: July 1, 1995

9) Notice of Proposal Published in Illinois Register:

March 24, 1995, 19 Ill. Reg. 3730

10) Has JCAR issued a Statement of Objections to these rules? No

11) Difference between proposal and final version: Minor editing changes were made in accordance with the recommendations from the Joint Committee on Administrative Rules and the Administrative Code Unit.

Additional changes were made in response to public comments and/or Department decisions.

Section 302.20 Definitions

Deleted the proposed definition of "Biological father" and replaced it with the following definition:

"Biological father" means a man who was not married to the mother when the child was born and who has acknowledged his paternity in open court, or who has signed a statement acknowledging paternity, or who is legally presumed to be the father because he married the child's mother after the child's birth and his name appears on the child's official record of birth, or whose paternity is adjudicated

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in court. When paternity has been established in the above manner, the relatives of the biological father as well as those of the mother may be considered for the placement of the related children.

In the definition of "child welfare services", changed the word "public" to "publicly funded".

In the definition of "minimum parenting standards", deleted the strikeouts from the words "and education as required by law."; deleted the period at the end of the second sentence and added "who is willing and capable of assuming responsibility for the child."

In the definition of "parents", revised the last sentence to read:

Biological fathers are considered legal parents when paternity has been established as required by the definition in this Section.

Added a new definition "private guardianship" after the definition of "permanent legal status" to read:

"Private guardianship" means an individual person appointed by the court to assume the responsibilities of the guardianship of the person as defined in Section 1-3 of the Juvenile Court Act of 1987 (705 ILCS 405/1-3) or Article XI of the Probate Act of 1975 (755 ILCS 5/Art. XI)."

Deleted the proposed definition for "Relative caregiver" and replaced it with the definition for "Relative":

"Relative," for purposes of placement of children for whom the Department is legally responsible, means any person, 21 years of age or over, other than the parent, who:

- is currently related to the child in any of the following ways by blood or adoption; grandparent, sibling, great-grandparent, uncle, aunt, nephew, niece, first cousin, great-uncle, or great-aunt, or
- is the spouse of such a relative, or
- is the child's step-father, step-mother, or adult step-brother or step-sister.

Relative also includes a person related in any of the foregoing ways to a sibling of a child, even though the person is not related to the child, where the child and its sibling are placed together with that person. [20 ILCS 505/7(b)]

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Section 302.40

(b) Added the following additional items to the list of service constellation for Family Preservation:

- 12) referral for financial assistance
- 13) referral for housing assistance or housing advocacy
- 14) referral for legal services

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these proposed amendments replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of These Adopted Amendments: These changes are necessary to ensure that Part 302 is consistent with other Department rules regarding home of relative care. When children are living apart from their parents but with other related caregivers, they will no longer be considered as neglected based on that reason alone. The Department will work to preserve and strengthen appropriate relative family arrangements by providing services to maintain the child with the relative caregiver and avoid placing children in State custody. The effect of these proposed rule changes will be to support and stabilize an increased number of children in family homes, rather than placing them in substitute care.

16) Information and questions regarding these adopted amendments shall be directed to:

Jacqueline Nottingham, Chief
Office of Rules and Procedures
Department of Children and Family Services
406 East Monroe Street, Station # 222
Springfield, Illinois 62701-1498
Telephone (217) 524-1983
TDD: (217) 524-3715

The full text of the adopted rules begins on the next page:

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TITLE 89: SOCIAL SERVICES
 CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
 SUBCHAPTER a: SERVICE DELIVERY

PART 302

SERVICES DELIVERED BY THE DEPARTMENT

SUBPART A: GENERAL PROVISIONS

Section	Purpose
302.10	Definitions
302.20	Introduction
302.30	Department Service Goals
302.40	Functions in Support of Services
302.50	

SUBPART B: REPORTS OF SUSPECTED CHILD ABUSE OR NEGLECT (RECODIFIED)

Section	Purpose
302.100	Reporting Child Abuse or Neglect to the Department (Recodified)
302.110	Content of Child Abuse or Neglect Reports (Recodified)
302.120	Transmittal of Child Abuse or Neglect Reports (Recodified)
302.130	Special Types of Reports (Recodified)
302.140	Referrals to the Local Law Enforcement Agency and State's Attorney (Recodified)
302.150	Delegation of the Investigation (Recodified)
302.160	The Investigative Process (Recodified)
302.170	Taking Children Into Temporary Protective Custody (Recodified)
302.180	Notification of the Determination Whether Child Abuse or Neglect Occurred (Recodified)
302.190	Referral for Other Services (Recodified)

SUBPART C: DEPARTMENT CHILD WELFARE SERVICES

Section	Purpose
302.300	Adoptive Placement Services
302.305	Adoption Listing Service for Special Needs Children
302.310	Adoption Assistance
302.311	Nonrecurring Adoption Expenses
302.315	Adoption Registry
302.320	Counseling or Casework Services
302.330	Day Care Services
302.340	Emergency Caretaker Services
302.350	Family Planning Services
302.360	Health Care Services
302.370	Homemaker Services
302.380	Information and Referral Services
302.390	Placement Services (Repealed)

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302.400 Successor Guardianship

SUBPART D: INTENSIVE FAMILY PRESERVATION SERVICES

Section	Purpose
302.500	Implementation of the Family Preservation Act
302.510	Types of Intensive Family Preservation Services
302.520	Phase In Plan for Statewide Family Preservation Services
302.530	Time Frames
302.540	

Appendix A Acknowledgement of Mandated Reporter Status (Recodified)

AUTHORITY: Implementing and authorized by the Children and Family Services Act [20 ILCS 505]; Section 3-6-2(g) of the Unified Code of Corrections [730 ILCS 5/3-6-2(g)]; the Illinois Alcoholism and Dangerous Drug Dependency Act [20 ILCS 305]; the Adoption Assistance and Child Welfare Act of 1980 (42 U.S.C.A. 670 et seq.); 45 CFR 1356.40 and 1356.41; the Juvenile Court Act of 1987 [705 ILCS 405]; and the Adoption Act [750 ILCS 50].

SOURCE: Adopted and codified at 5 Ill. Reg. 13188, effective November 30, 1981; amended at 6 Ill. Reg. 15529, effective January 1, 1983; recodified at 8 Ill. Reg. 992; peremptory amendment at 8 Ill. Reg. 5373, effective April 12, 1984; amended at 8 Ill. Reg. 12143, effective July 9, 1984; amended at 9 Ill. Reg. 2467, effective March 1, 1985; amended at 9 Ill. Reg. 9104, effective June 14, 1985; amended at 9 Ill. Reg. 15820, effective November 1, 1985; amended at 10 Ill. Reg. 5557, effective April 15, 1986; amended at 11 Ill. Reg. 1390, effective January 13, 1987; amended at 11 Ill. Reg. 1551, effective January 14, 1987; amended at 11 Ill. Reg. 1829, effective January 15, 1987; recodified to 89 Ill. Adm. Code 300 at 11 Ill. Reg. 3492, Sections 302.20, 302.100, 302.110, 302.120, 302.130, 302.140, 302.150, 302.160, 302.170, 302.180, 302.190, Appendix A; amended at 13 Ill. Reg. 18847, effective November 15, 1989; amended at 14 Ill. Reg. 3438, effective March 1, 1990; amended at 14 Ill. Reg. 16430, effective September 25, 1990; amended at 14 Ill. Reg. 19010, effective November 15, 1990; amended at 16 Ill. Reg. 274, effective December 31, 1992; emergency amendment at 17 Ill. Reg. 2513, effective February 10, 1993, for a maximum of 150 days; emergency expired on July 9, 1993; amended at 17 Ill. Reg. 13438, effective July 31, 1993; amended at 19 Ill. Reg. 9485, effective JUL 01 1995.

SUBPART A: GENERAL PROVISIONS

Section 302.20 Definitions

"Adoption assistance" or "adoption subsidy" means financial assistance from the Department which is provided to the adoptive parents after the finalization of an adoption.

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"Adoption placement" means a living arrangement with a family which is directed toward establishing that family as the child's new legal parents.

"Biological father" means a man who was not married to the mother when the child was born and who has acknowledged his paternity in open court, or who has signed a statement acknowledging paternity, or who is legally presumed to be the father because he married the child's mother after the child's birth and his name appears on the child's official record of birth, or whose paternity is adjudicated in court. When paternity has been established in the above manner, the relatives of the biological father as well as those of the mother may be considered for the placement of the related children.

"Child welfare services" means publicly funded public social services which are directed toward the accomplishment of the following purposes:

protecting and promoting the welfare of all children, including homeless, dependent, or neglected children;

preventing or remedying, or assisting in the solution of problems which may result in, the neglect, abuse, exploitation, or delinquency of children;

preventing the unnecessary separation of children from their families by identifying family problems, assisting families in resolving their problems, and preventing breakup of the family where the prevention of child removal is desirable and possible;

restoring to their families children who have been removed, by the provision of services to the child and the families;

placing children in suitable adoptive homes, in cases where restoration to the biological family is not possible or appropriate;

assuring adequate care of children away from their homes, in cases where the child cannot be returned home or cannot be placed for adoption;

providing supportive services and living maintenance which contributes to the physical, emotional and social well-being of children who are pregnant and unmarried;

providing shelter and independent living services for homeless youth; and

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placing and maintaining children in facilities that provide separate living quarters for children under the age of 18 and for children 18 years of age and older, unless a child 18 years of age is in the last year of high school education or vocational training, in an approved individual or group treatment program, or in a licensed shelter facility. The Department is not required to place or maintain children:

who are in a foster home; or

who are developmentally disabled, as defined in the Mental Health and Developmental Disabilities Code; or

who are female children who are pregnant, pregnant and parenting or parenting; or

who are siblings,

in facilities that provide separate living quarters for children 18 years of age and older and for children under 18 years of age. (Ill. Rev. Stat. 1991, ch. 23, par. 5-5005) [20 ILCS 505/5]

These services include but are not limited to: counseling, advocacy, day care, homemaker, emergency caretaker, family planning, adoption, placement, child protection and information and referral.

"Children for whom the Department is legally responsible" means children for whom the Department has temporary protective custody, custody or guardianship via court order, or children whose parent(s) has signed an adoptive surrender or voluntary placement agreement with the Department.

"Department" as used in this Part, means the Department of Children and Family Services.

"Family" means one or more adults and children, related by blood, marriage, or adoption and residing in the same household.

"Minimum parenting standards" means that a parent or other person responsible for the child's welfare sees that the child is adequately fed, clothed appropriately for the weather conditions, provided with adequate shelter, protected from severe physical, mental and emotional harm, and provided with necessary medical care and education as required by law. A parent who has abandoned a child, deserted a child for three months, or failed to demonstrate an a reasonable degree of interest, concern, or responsibility as to the welfare of in a newborn child for 30 days after birth is deemed to have failed to have met the minimum parenting standards, unless the parent has arranged for the

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child's care in the home of a relative who is willing and capable of assuming responsibility for the child. In addition, a parent who is addicted to alcohol, or who is a drug addict, as defined in Section 1-103 of the Illinois Alcoholism and Other Drug Dependency Act (411-Rev-Stat-1997--enr--11-1-97--par--6951-3) [20 ILCS 305/1-103] and who has consistently failed to cooperate in a rehabilitation program for a period of at least twelve months is deemed to have failed to have met the minimum parenting standards unless the parent has arranged for the child's safety and well-being have-been-ensured despite the parent's addiction.

"Parents" means the child's legal parents whose rights have not been terminated and adoptive parents. Biological fathers are considered legal parents when paternity has been established as required by the definition in this Section.

"Permanency goal" means the continuous living arrangement which the Department deems desirable for and available to the child. A permanent legal status is usually a component of the permanency goal. The means for attaining a permanency goal as well as the goal itself can change as the child's developmental and emotional needs change or as the child's and family's circumstances change.

"Permanent legal status" means a legally binding relationship between a child and a family as established by birth or a court of law.

"Private guardianship" means an individual person appointed by the court to assume the responsibilities of the guardianship of the person as defined in Section 1-3 of the Juvenile Court Act of 1987 [705 ILCS 405/1-3] or Article XI of the Probate Act of 1975 [755 ILCS 5/Art. XI].

"Relative," for purposes of placement of children for whom the Department is legally responsible, means any person, 21 years of age or over, other than the parent, who:

- is currently related to the child in any of the following ways by blood or adoption: grandparent, sibling, great-grandparent, uncle, aunt, nephew, niece, first cousin, great-uncle, or great-aunt, or
- is the spouse of such relative, or
- is the child's step-father, step-mother, or adult step-brother or step-sister.

Relative also includes a person related in any of the foregoing ways to a sibling of a child, even though the person is not related to the child, where the child and its sibling are placed together with that person. [20 ILCS 505/7(b)].

"Service constellation" means a variety of services provided to a

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child and his/her family.

"Service plan" means a written plan on a form prescribed by the Department in the plan toward the permanency goal for the children.

"Successor guardianship" means the judicial transfer under Section 802-27, 803-28, 804-25, or 805-29 of the Juvenile Court Act of 1987 of the Department's guardianship duties and responsibilities for a minor to a related or unrelated person whom the child has lived with for a continuous period of a year or more before transfer of guardianship.

"Voluntary placement agreement" means a time-limited written request and consent from a parent, guardian or legal custodian of a child for placement of the child out of the home. When signed by designated Department staff, the Department agrees to provide child welfare services which include placement.

(Source: Amended at 19 Ill. Reg. 94851, effective JUL 01 1995)

Section 302.40 Department Service Goals

a) The Department provides, directly or through purchase, a number of services for children and families which are individually planned to meet the needs of each child and family. These services are directed toward four service goals which are:

- 1) family preservation
- 2) family reunification
- 3) adoption or attainment of a permanent living arrangement
- 4) youth development

b) Family Preservation

When family preservation is the goal, services are directed toward ensuring the child's children's development, safety and well-being in the home of their family ~~his-parents--home~~ and preventing placement of the child away from the their family. Such families may have been reported to the Department for alleged child abuse or neglect or referred to the Department for services. The service constellation for these children and families may include:

- 1) counseling/advocacy
- 2) emergency caretaker
- 3) homemaker
- 4) day care and child development
- 5) family planning
- 6) parent education
- 7) self-help groups
- 8) emergency family shelter
- 9) intensive family preservation services
- 10) other placement prevention services

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- 11) referral for substance abuse treatment services
- 12) referral for financial assistance
- 13) referral for housing assistance or housing advocacy
- 14) referral for legal services

c) Family Reunification

When family reunification is the goal, services are directed toward returning a child to his parent's or private guardian's home when the child was removed because of alleged child abuse or neglect or other reasons. Family reunification services are directed toward helping the ~~child's~~ children's ~~parents~~ parent(s) or private guardian(s) achieve minimum parenting standards and ensuring ~~the child's~~ their safety and well-being upon ~~his~~ return home. The service constellation for these children and families may include:

- 1) counseling/advocacy
- 2) homemaker
- 3) day care and child development
- 4) foster family home care
- 5) relative home care
- 6) residential care
- 7) family planning
- 8) parent education
- 9) intensive family preservation services

d) Adoption or Attainment of a Permanent Living Arrangement

When adoption or attainment of a permanent living arrangement is the goal, services are directed at securing a new legal status in a permanent living situation for children who cannot return to their legal families. A goal of permanent living arrangement means that the child is to remain with a relative or foster family permanently and the Department intends to transfer legal guardianship to the family. The service constellation for these children may include:

- 1) counseling
- 2) adoption
- 3) relative home care
- 4) foster family home care
- 5) intensive family preservation services

e) Youth Development

When youth development is the goal, services are directed at helping youth live independently or assisting unmarried youth with planning for the birth or care of their child. Such services may be provided by the Department to:

- A) Youth 16 years of age or older for whom the Department has legal responsibility, to help them live independently of adult ~~caretaker~~ caregiver supervision and achieve economic self-sufficiency; and
- B) Youth who are high school graduates and have been awarded scholarships in accordance with ~~"AN--Act--creating--the Department--of--Children--and--Family--Services"~~ ~~AN--Act--creating--the Department--of--Children--and--Family--Services"~~ ~~codifying--its~~

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~~powers--and--duties--and--repealing--certain--Acts--and--Sections herein--named--(Ill--Rev--Stat--1909--ch--33--par--505)~~ ~~the Children and Family Services Act (20 ILCS 505); and~~

- C) Unmarried pregnant youth for whom the Department has legal responsibility; and
 - D) Unmarried pregnant youth under age 18 for whom the Department is not legally responsible.
- 2) The service constellation for youth for whom the Department is legally responsible may include:

- A) counseling/advocacy
- B) day care for the children of unmarried youth
- C) homemaker
- D) family planning
- E) maintenance payments or foster family home, relative home or residential care payment except that maternity home payment shall be limited to a maximum of ninety (90) days.

- 3) The only purchased service for unmarried youth for whom the Department is not legally responsible for which the Department will make payment is a maximum of ninety (90) days of maternity home care for unmarried pregnant youth under age 18 at the time of anticipated delivery.

(Source: Amended at 19 Ill. Reg. 94851, effective JUL 01 1995)

SUBPART C: DEPARTMENT CHILD WELFARE SERVICES

Section 302.320 Counseling or Casework Services

- a) Counseling or casework services are provided to children and families to assist them in resolving or coping with problems as well as to identify, obtain and use community resources and services. Problems addressed include, but are not limited to: unsatisfactory parent caregiver-child relationships; marital discord; inadequate home management, housekeeping or child care practices; parental illness, handicap, desertion or absence; and, physical or mental handicap, or behavior of the child which adversely affects his ability to adjust to his family, school or community.
- b) Counseling provided to children in need of a one-to-one relationship with an adult is referred to as advocacy and offered to:
 - 1) help children in institutional settings prepare for and adjust to post-institutional care;
 - 2) prevent unnecessary out-of-home placement of children when placement is likely; or
 - 3) help adolescents move toward independent functioning and self-sufficiency.

(Source: Amended at 19 Ill. Reg. 94851, effective

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requires prior written approval of the administrator in charge of the Department region or his designee. A voluntary placement agreement may be renewed for an additional 60 days only with the prior non-delegable written approval of the administrator in charge of the Department region.

Emergency Placement

Emergency placement services shall be provided immediately when other services will not ensure the safety of the child when the Department has reason to believe:

- 1) that leaving the child in the home of his caretaker would present an imminent danger to the child's safety and well-being; or
- 2) that the parent(s) of a child who has been left unsupervised and is unable to care for himself cannot be readily located and emergency caretaker services are not available; or
- 3) that services directed toward keeping the family together would not sufficiently protect the child from life threatening or severe physical injury and would therefore endanger the child's safety and well-being; or
- 4) that the child appears to be severely ill or injured and the parent or caretaker is unable to care for the child in this situation; or
- 5) the child is abandoned; or
- 6) the child is a runaway in accordance with 99-111-Adm-Code-3297

Placement Selection

All placement decisions will be made consistent with the best interests and special needs of the child. When children are removed from the care of a custodial parent, the Department shall explore whether the non-custodial parent would be a suitable caregiver to the child. If placement with the non-custodial parent is not consistent with the best interests and special needs of the child, the Department shall place the child in a suitable caregiver for the child. Placement in substitute care shall be considered for children who need placement and:

- 1) be placed in a possible and appropriate with a specified relative in accordance with the provisions of 99-111-Adm-Code-335
- 2) Relative Home Placement
- 3) be placed in the least restrictive setting which most closely approximates a family and which is consistent with the best interests of the child and
- 4) be placed in a reasonable proximity to their homes when the placement goal is to return home and within the same school district whenever possible taking into account any special needs of the child and family the importance of maintaining continuity of the child's educational and social relationships and the availability of the service resources needed for the child and family and
- 5) be placed in a foster family or Indian heritage according to criteria

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described in 99-111-Adm-Code-3077-Indian-Child-Welfare Services:

1) Relative Home Care

1) Specified relatives as defined in 99-111-Adm-Code-3357 shall be given preference and first consideration over more distant relatives and non-relatives when selecting the placement for children for whom the Department is legally responsible. Department or private agency staff shall make reasonable attempts to identify contact and assess relatives who can meet the requirements of 99-111-Adm-Code-3357-Relative-Home-Placement and who are willing to provide care to related children.

2) When more than one relative has been identified who is willing to act as a caregiver to the related children, the Department or private agency provider shall select the relative who most closely meets the placement selection criteria in 99-111-Adm-Code-3027-Section-302.3907-Placement-Selection and 99-111-Adm-Code-3357-2007-Identification and Selection of Relative Placements.

2) Foster Family Home Care

1) Foster family home care is provided in licensed foster family homes for children who cannot remain home and who can benefit from a family structure of care. The Department shall have read responsibility for the child before the child is placed in a foster family home.

2)

Although foster family home care is generally provided to children whose parents are unable or unwilling to protect or care for them, it is also available for hearing-impaired children who require special education not available in their home communities. The Department is not legally responsible for the children receiving this unique placement service. Care is provided in cooperation with the Illinois State Board of Education.

3) Residential Care

Residential care is provided in licensed group homes and residential care facilities, child care institutions and intermediate or skilled nursing care facilities. Group homes are considered to be a less restrictive environment than an institutional setting. Group home care is provided for teenagers unable to adjust to family living. A less structured living situation than is provided in residential care facilities is placed in a residential care facility staff be made only when no other less restrictive setting is appropriate for

1)

Children requiring intensive services to change behaviors which significantly interfere with their ability to cope with daily life or when precluding placement in a family setting or children who require long-term care on an ongoing basis than intermediate or skilled nursing care facility because of a severe physical or mental handicap or

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3+ children who require long-term care on an ongoing basis because of a severe emotional handicap.

4+ Sharing Appropriate Information with the Caretaker

4+ At the time the Department places a child in foster care or other substitute care setting, the Department shall provide available information about the child necessary for the proper care of the child to the foster parent or other caretaker.

2+ This information includes:

A+ The medical history of the child including known medical problems or communicable diseases.

B+ The school history of the child including any special educational needs.

C+ The case history of the child including how the child came into care, the child's legal status and the permanency goal for the child.

3+ Other background information of the child, including behavior problems, habits, likes, and dislikes, etc.

3+ Information subject to the Mental Health and Developmental Disabilities Code shall be shared only in accordance with 415 ILCS 415-431, Confidentiality of Personal Information of Persons Served by the Department, Section 431-7.

4+ Information regarding the Acquired Immunodeficiency Syndrome (AIDS), AIDS-Related Complex (ARC), or Human Immunodeficiency Virus (HIV) test results shall be shared only in accordance with 415 ILCS 415-431, Confidentiality of Personal Information of Persons Served by the Department, Section 431-11.

5+ When the above information is not available at the time of placement, the caretaker shall be given what information is available and advised that additional information will be provided when it is received.

(Source: Repealed at 19 Ill. Reg. 9485, effective JUL 01 1995)

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1) Heading of the Part: Hazardous Waste Injection Restrictions

2) Code citation: 35 Ill. Adm. Code 738

3) Section numbers: Adopted action: 738.117 Amended

4) Statutory authority: 415 ILCS 5/13(c), 22.4 and 27.

5) Effective date of amendments: June 27, 1995

6) Does this rulemaking contain an automatic repeal date? No

7) Do these amendments contain incorporations by reference? Yes. 35 Ill. Adm. Code 720.111 is the centralized listing of all documents incorporated by reference for the purposes of the Illinois UIC and RCRA Subtitle C programs (35 Ill. Adm. Code 702 through 705, 720 through 726, 728, 730, 738 & 739). The present amendments included revisions to the references in that Section. Most of the amendments involved updates to analytical methods.

8) Date filed in Board's principal office: Opinion and order adopted June 1, 1995 and supplemental opinion and order adopted June 15, 1995.

9) Notice of proposal published in Illinois Register: March 24, 1995, 19 Ill. Reg. 3768

10) Has JCAR issued a Statement of Objections to these rules? No. Sections 13(c) and 22.4(a) of the Environmental Protection Act (415 ILCS 5/13(c) & 22.4(a)) provide that Section 5 of the Administrative Procedure Act (5 ILCS 100/5-35 and 5-40) shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR. However, JCAR staff has reviewed the text of the amendments and recommended several minor revisions, as indicated in the table under question 11.

11) Differences between proposal and final version: The Board has made many revisions to the text of the amendments, most of which were in response to public comments. The revisions are tabulated in summary fashion below. The source of the revisions to each segment of the amendments is indicated by the notations, where (A) denotes the Illinois EPA (Agency), (B) denotes the Board, (C) denotes a commentator, (J) denotes JCAR, (S) denotes the Secretary of State, and (U) denotes U.S. EPA.

Section (Source) Board Action

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738. Source Note (J,B) Correct references to R93-6 & R95-4

12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreement letter issued by JCAR? Sections 13(c) and 22.4(a) of the Environmental Protection Act provide that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

13) Will these amendments replace emergency amendments currently in effect? No

14) Are there any other amendments pending on this Part? No

15) Summary and purpose of amendments: A more detailed description is contained in the Board's opinion and order of June 1, 1995 and supplemental opinion and order of June 15, 1995 in R95-4/R95-6, which opinion and order and supplemental opinion and order are available from the address below. Sections 13(c) and 22.4 of the Environmental Protection Act provide that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by JCAR.

This rulemaking updates the Board's RCRA Subtitle C and UIC rules to correspond with amendments adopted by U.S. EPA that appeared in the Federal Register during the period July 1 through December 31, 1994 and January 3 and May 19, 1995. The USEPA actions during this period were as follows:

Federal Action	Summary
59 Fed. Reg. July 28, 1994	38536, Exclusion from definition of solid waste for certain in-process recycled secondary materials used by the petroleum refining industry
59 Fed. Reg. August 24, 1994	43496, Withdrawal of exemption from Subtitle C regulation of slag residues from high temperature metal recovery (HTMR) of electric arc furnace dust (R061), steel finishing pickle liquor (R062), and electroplating sludges (F006) that are used in a manner constituting disposal

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59 Fed. Reg. 47980, September 19, 1994 Restoration of text from 40 CFR 268.7(a) inadvertently omitted in the amendments of August 31, 1993, at 58 Fed. Reg. 46040

59 Fed. Reg. 47982, September 19, 1994 Phase II land disposal restrictions (LDRs): universal treatment standards for organic toxicity wastes and newly-listed wastes (including underground injection control (UIC) amendments)

59 Fed. Reg. 62896, December 6, 1994 Organic material air emission standards for tanks, surface impoundments, and containers (Subpart CC rules)

In addition to these principal amendments that occurred during the update period, the Board included two additional, later actions:

60 Fed. Reg. 242, January 3, 1995 Corrections to the Phase II land disposal restrictions universal treatment standards)

60 Fed. Reg. 26828, May 19, 1995 Delayed effective date for Subpart CC rules

The January 3 action was an amendment of the September 19, 1994 Phase II LDRs (universal waste rule). U.S. EPA corrected errors and clarified language in the universal treatment standards. The Board did not delay in adding these amendments for three reasons:

- 1) The January 3, 1995 amendments were corrections and clarifications of the September 19, 1994 regulations, and not new substantive amendments;
- 2) Prompt action on the January 3, 1995 amendments will facilitate implementation of the Phase II LDRs; and
- 3) The Board received a request from the regulated community that we add the January 3, 1995 amendments to those of September 19, 1994. (See "Expedited Consideration" below.)

The Board also notes that the January 3 amendments occurred within six months of the earliest amendments included in this docket, even if they occurred outside the nominal time-frame of the docket. We included the May 19 amendments because they solely directly affect the effective date of principal amendments within this docket.

Specifically, the amendments to Part 738 make the federal amendments of

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September 19, 1995. As part of the hazardous waste Phase II LDRs (universal treatment standards), U.S. EPA imposed underground injection restrictions on newly-listed (coke by-product and chlorotoluene production) wastes and for organic characteristic (D001 (high TOC subcategory) and D012 through D017) wastes. (Newly-listed wastes are hazardous wastes identified as such since the enactment of the Hazardous and Solid Waste Amendments of 1984 (HSWA).) In addition to the federally-driven amendments, the Board used this opportunity to make a number of corrections and clarifications to the text of the open provision.

16) Information and questions regarding these adopted amendments shall be directed to:

Michael J. McCambridge
Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60610
(312) 814-6924

Request copies of the Board's opinion and order of June 1, 1995 and supplemental opinion and order of June 15, 1995 from Victoria Agyeaman, at 312-814-3620.

The full text of the adopted amendments begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER d: UNDERGROUND INJECTION CONTROL AND
UNDERGROUND STORAGE TANK PROGRAMS

PART 738

HAZARDOUS WASTE INJECTION RESTRICTIONS

SUBPART A: GENERAL

Section	Purpose, Scope and Applicability
738.101	Definitions
738.102	Dilution Prohibited as a Substitute for Treatment
738.103	Case-by-Case Extensions of an Effective Date
738.104	Waste Analysis
738.105	

SUBPART B: PROHIBITIONS ON INJECTION

Section	Waste Specific Prohibitions - Solvent Wastes
738.110	Waste Specific Prohibitions - Dioxin - Containing Wastes
738.111	Waste Specific Prohibitions - California List Wastes
738.112	Waste Specific Prohibitions - First Third Wastes
738.114	Waste Specific Prohibitions - Second Third Wastes
738.115	Waste Specific Prohibitions - Third Third Wastes
738.116	Waste Specific Prohibitions - Newly-Listed Wastes
738.117	

SUBPART C: PETITION STANDARDS AND PROCEDURES

Section	Petitions to Allow Injection of a Prohibited Waste
738.120	Required Information to Support Petitions
738.121	Submission, Review and Approval or Denial of Petitions
738.122	Review of Adjusted Standards
738.123	Termination of Adjusted Standards
738.124	

AUTHORITY: Implementing Section 13 and 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/13, 22.4 and 27].

SOURCE: Adopted in R89-2 at 14 Ill. Reg. 3059, effective February 20, 1990; amended in R89-11 at 14 Ill. Reg. 11948, effective July 9, 1990; amended in R90-14 at 15 Ill. Reg. 11425, effective July 24, 1991; amended in R92-13 at 17 Ill. Reg. 6190, effective April 5, 1993; amended in R93-6 at 17 Ill. Reg. 15641, effective September 14, 1993; amended in R95-4 at 19 Ill. Reg. 9501, effective JUN 27 1995.

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SUBPART B: PROHIBITIONS ON INJECTION

Section 738.117 Waste Specific Prohibitions - Newly-Listed Wastes

- a) The wastes specified in 35 Ill. Adm. Code 721.Subpart D by the following U.S. EPA Hazardous hazardous Waste waste numbers are prohibited from underground injection:

F037
F038
K107
K108
K109
K110
K111
K112
K117
K118
K123
K124
K125
K126
K131
K136
J328
J353
J359

- b) The wastes specified in 35 Ill. Adm. Code 721.Subpart D by the following U.S. EPA hazardous waste waste numbers are prohibited from underground injection:

K141
K142
K143
K144
K145
K147
K148
K149
K150
K151

- c) Effective September 19, 1995, the wastes specified in 35 Ill. Adm. Code 721.Subpart C by the following U.S. EPA hazardous waste waste numbers are prohibited from underground injection:

D001 (high TOC subcategory, as specified at 35 Ill. Adm. Code 728.140)

D012
D013
D014
D015

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D016
D017

- b) Effective June 30, 1995, the wastes specified in 35 Ill. Adm. Code 721.Subpart D by the following U.S. EPA Hazardous hazardous Waste waste numbers are prohibited from underground injection:

K117
K118
K131
K132

c) The requirements of subsections (a) and (b) above do not apply:

- 1) If the wastes meet or are treated to meet the applicable standards specified in 35 Ill. Adm. Code 728.Subpart D; or
- 2) If an adjusted standard has been granted in response to a petition under 738.Subpart C ~~of this Part~~; or
- 3) During the period of extension of the applicable effective date, if an extension is granted under Section 738.104.

BOARD NOTE: Derived from 40 CFR 148.17, as added at 57 Fed. Reg. 37263 (Aug. 18, 1992).

(Source: Amended at 19 Ill. Reg. 9501, effective JUN 27 1995)

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NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Hazardous Waste Management System: General

2) Code citation: 35 Ill. Adm. Code 720

3) Section numbers: Adopted action:

720.111 Amended
720.121 Amended
720.130 Amended
720.131 Amended

4) Statutory authority: 415 ILCS 5/13(c), 22.4 and 27.

5) Effective date of amendments: June 27, 1995

6) Does this rulemaking contain an automatic repeal date?: No.

7) Do these amendments contain incorporations by reference? Yes. 35 Ill. Adm. Code 720.111 is the centralized listing of all documents incorporated by reference for the purposes of the Illinois UIC and RCRA Subtitle C programs (35 Ill. Adm. Code 702 through 705, 720 through 726, 728, 730, 738 & 739). The present amendments include revisions to the references in that Section. Most of the amendments involve updates to analytical methods.

8) Date filed in Board's principal office: Opinion and order adopted June 1, 1995 and supplemental opinion and order adopted June 15, 1995.

9) Notice of proposal published in Illinois Register: March 24, 1995, 19 Ill. Reg. 3775

10) Has JCER issued a Statement of Objections to these rules? No.

Sections 13(c) and 22.4(a) of the Environmental Protection Act (415 ILCS 5/13(c) & 22.4(a)) provide that Section 5 of the Administrative Procedure Act (5 ILCS 100/5-35 and 5-40) shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCER. However, JCER staff has reviewed the text of the amendments and recommended several minor revisions, as indicated in the table under question 11.

11) Differences between proposal and final version: None.

12) Have all the changes agreed upon by the Board and JCER been made as indicated in the agreement letter issued by JCER? Sections 13(c) and 22.4(a) of the Environmental Protection Act provide that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

to second notice review by JCER.

13) Will these amendments replace an emergency amendment currently in effect? No.

14) Are there any other amendments pending on this Part? No.

15) Summary and purpose of amendments: A more detailed description is contained in the Board's opinion and order of June 1, 1995 and supplemental opinion and order of June 15, 1995 in R95-4/R95-6, which opinion and order and supplemental opinion and order are available from the address below. Sections 13(c) and 22.4 of the Environmental Protection Act provide that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by JCER.

This rulemaking updates the Board's RCRA Subtitle C and UIC rules to correspond with amendments adopted by U.S. EPA that appeared in the Federal Register during the period July 1 through December 31, 1994 and January 3 and May 19, 1995. The USEPA actions during this period were as follows:

Federal Action

Summary

59 Fed. Reg. 38536,
July 28, 1994
Exclusion from definition of solid waste for certain in-process recycled secondary materials used by the petroleum refining industry

59 Fed. Reg. 43496,
August 24, 1994
Withdrawal of exemption from Subtitle C regulation of slag residues from high temperature metal recovery (HTMR) of electric arc furnace dust (K061), steel finishing pickle liquor (K062), and electroplating sludges (F006) that are used in a manner constituting disposal

59 Fed. Reg. 47980,
September 19, 1994
Restoration of text from 40 CFR 268.7(a) inadvertently omitted in the amendments of August 31, 1993, at 58 Fed. Reg. 46040

59 Fed. Reg. 47982,
September 19, 1994
Phase II land disposal restrictions (LDRs): universal treatment standards for organic toxicity wastes and newly-listed wastes (including underground injection control (UIC)

POLLUTION CONTROL BOARD

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amendments)

59 Fed. Reg. 62896, December 6, 1994
Organic material air emission standards for tanks, surface impoundments, and containers (Subpart CC rules)

In addition to these principal amendments that occurred during the update period, the Board included two additional, later actions:

60 Fed. Reg. 242, January 3, 1995
Corrections to the Phase II land disposal restrictions (universal treatment standards)

60 Fed. Reg. 26828, May 19, 1995
Delayed effective date for Subpart CC rules

The January 3 action was an amendment of the September 19, 1994 Phase II LDRs (universal waste rule). U.S. EPA corrected errors and clarified language in the universal treatment standards. The Board did not delay in adding these amendments for three reasons:

- 1) The January 3, 1995 amendments were corrections and clarifications of the September 19, 1994 regulations, and not new substantive amendments;
- 2) Prompt action on the January 3, 1995 amendments will facilitate implementation of the Phase II LDRs; and
- 3) The Board received a request from the regulated community that we add the January 3, 1995 amendments to those of September 19, 1994. (See "Expedited Consideration" below.)

The Board also notes that the January 3 amendments occurred within six months of the earliest amendments included in this docket, even if they occurred outside the nominal time-frame of the docket. We included the May 19 amendments because they solely directly affect the effective date of principal amendments within this docket.

Specifically, the amendments to Part 720 incorporate segments of the federal amendments of September 19 and December 6, 1994 and make a number of corrections. New methods for use in complying with the 40 CFR 264, subpart CC and 265, subpart CC (35 Ill. Adm. Code 724.Subpart CC and 725.Subpart CC) air emissions requirements for tanks, containers, and surface impoundments were added to Section 720.111. The federal revisions that allow variances for facilities using secondary materials were made in Sections 720.130 and 720.131. The former cross reference to 35 Ill. Adm. Code 700.106 for an effective date was eliminated from the Section source note. Additionally, the Board reviewed the open provisions and made a

POLLUTION CONTROL BOARD

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number of clarifying corrections where necessary.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Michael J. McCambridge
Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60610
(312) 814-6924

Request copies of the Board's opinion and order of June 1, 1995 and supplemental opinion and order of June 15, 1995 from Victoria Agveman, at 312-814-3620.

The full text of the adopted amendments begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 720

HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL

SUBPART A: GENERAL PROVISIONS

Section

720.101 Purpose, Scope and Applicability

720.102 Availability of Information; Confidentiality of Information

720.103 Use of Number and Gender

SUBPART B: DEFINITIONS

Section

720.110 Definitions

720.111 References

SUBPART C: RULEMAKING PETITIONS AND OTHER PROCEDURES

Section

720.120 Rulemaking

720.121 Alternative Equivalent Testing Methods

720.122 Waste Delisting

720.130 Procedures for Solid Waste Determinations

720.131 Solid Waste Determinations

720.132 Boiler Determinations

720.133 Procedures for Determinations

720.140 Additional regulation of certain hazardous waste Recycling Activities on a case-by-case Basis

720.141 Procedures for case-by-case regulation of hazardous waste Recycling Activities

APPENDIX A Overview of 40 CFR, Subtitle C Regulations

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act (415 ILCS 5/22.4 and 27).

SOURCE: Adopted in R81-22, 43 PCB 427, at 5 Ill. Reg. 9781, effective May 17, 1982; amended and codified in R81-22, 45 PCB 317, at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R82-19 at 7 Ill. Reg. 14015, effective Oct. 12, 1983; amended in R84-9, 53 PCB 131 at 9 Ill. Reg. 11819, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 968, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 13998, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20630, effective December 2, 1986; amended in R86-28 at

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11 Ill. Reg. 6017, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13435, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19280, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2450, effective January 15, 1988; amended in R87-39 at 12 Ill. Reg. 12999, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 362, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18278, effective November 13, 1989; amended in R89-2 at 14 Ill. Reg. 3075, effective February 20, 1990; amended in R89-9 at 14 Ill. Reg. 6225, effective April 16, 1990; amended in R90-10 at 14 Ill. Reg. 16450, effective September 25, 1990; amended in R90-17 at 15 Ill. Reg. 7934, effective May 9, 1991; amended in R90-11 at 15 Ill. Reg. 9323, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14446, effective September 30, 1991; amended in R91-13 at 16 Ill. Reg. 9489, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17636, effective November 5, 1992; amended in R92-10 at 17 Ill. Reg. 5625, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20545, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6720, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12160, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17480, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9508, effective

JUN 27 1995

SUBPART B: DEFINITIONS

Section 720.111 References

a) The following publications are incorporated by reference:

ANSI. Available from the American National Standards Institute, 1430 Broadway, New York, New York 10018, 212-354-3300:

ANSI B31.3 and B31.4. See ASME/ANSI B31.3 and B31.4

ACI. Available from the American Concrete Institute, Box 19150, Redford Station, Detroit, Michigan 48219:

ACI 318-83: "Building Code Requirements for Reinforced Concrete", adopted September, 1983.

API. Available from the American Petroleum Institute, 1220 L Street, N.W., Washington, D.C. 20005, 202-682-8000:

"Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems", API Recommended Practice 1632, Second Edition, December, 1987.

"Evaporative Loss from External Floating-Roof Tanks", API Publication 2517, Third Edition, February, 1989.

"Guide for Inspection of Refinery Equipment, Chapter XIII,

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Atmospheric and Low Pressure Storage Tanks," 4th Edition, 1981, reaffirmed December, 1987.

"Cathodic-Protection-of-Underground-Petroleum-Storage-Tanks and-Piping-Systems," API-Recommended-Practice--1632,--Second Edition,--December-1987.

"Installation of Underground Petroleum Storage Systems," API Recommended Practice 1615, Fourth Edition, November, 1987.

APTI. Available from the Air and Waste Management Association, Box 2861, Pittsburgh, PA 15230, 412-232-3444:

APTI Course 415: Control of Gaseous Emissions, EPA Publication EPA-450/2-81-005, December, 1981.

ASME. Available from the American Society of Mechanical Engineers, 345 East 47th Street, New York, NY 10017, 212-705-7722:

"Chemical Plant and Petroleum Refinery Piping", ASME/ANSI B31.3 - 1987, as supplemented by B31.3a - 1988 and B31.3b - 1988. Also available from ANSI.

"Liquid Transportation Systems for Hydrocarbons, Liquid Petroleum Gas, Anhydrous Ammonia, and Alcohols", ASME/ANSI B31.4 - 1986, as supplemented by B31.4a - 1987. Also available from ANSI.

ASTM. Available from American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103, 215-299-5400:

ASTM C94-90, Standard Specification for Ready-Mixed Concrete, approved March 30, 1990.

ASTM D88-87, Standard Test Method for Saybolt Viscosity, April 24, 1981, reapproved January, 1987.

ASTM D93-85, Standard Test Methods for Flash Point by Pensky - Martens Closed Tester, approved October 25, 1985.

ASTM D1946-90, Standard Practice for Analysis of Reformed Gas by Gas Chromatography, approved March 30, 1990.

ASTM D2161-87, Standard Practice for Conversion of Kinematic Viscosity to Saybolt Universal or to Saybolt Furol Viscosity, March 27, 1987.

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ASTM D2267-88, Standard Test Method for Aromatics in Light Naphthas and Aviation Gasolines by Gas Chromatography, approved November 17, 1988.

ASTM D2382-88, Standard Test Method for Heat of Combustion of Hydrocarbon Fuels by Bomb Calorimeter (High Precision Method), approved October 31, 1988.

ASTM D2879-86, Standard Test Method for Vapor Pressure-Temperature Relationship and Initial Decomposition Temperature of Liquids by Isoteniscope, approved October 31, 1986.

ASTM D 2879-92, Standard Test Method for Vapor Pressure-Temperature Relationship and Initial Decomposition Temperature of Liquids by Isoteniscope, approved 1992.

ASTM D3828-87, Standard Test Methods for Flash Point of Liquids by Setflash Closed Tester, approved December 14, 1988.

ASTM E168-88, Standard Practices for General Techniques of Infrared Quantitative Analysis, approved May 27, 1988.

ASTM E169-87, Standard Practices for General Techniques of Ultraviolet-Visible Quantitative Analysis, approved February 1, 1987.

ASTM E260-85, Standard Practice for Packed Column Gas Chromatography, approved June 28, 1985.

ASTM E926-88 C, Standard Test Methods for Preparing Refuse-Derived Fuel (RDF) Samples for Analysis of Metals, Bomb-Acid Digestion Method, approved March 35, 1988.

ASTM Method G21-70 (1984a) -- Standard Practice for Determining Resistance of Synthetic Polymer Materials to Fungi

ASTM Method G22-76 (1984b) -- Standard Practice for Determining Resistance of Plastics to Bacteria.

GPO. Available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, 202-783-3238:

Standard Industrial Classification Manual (1972), and 1977 Supplement, republished in 1983

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NOTICE OF ADOPTED AMENDMENTS

"Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," U.S. EPA Publication number SW-846 (Third Edition, November, 1986), as amended by Updates I and IIA (Document Number 955-001-00000-1) (contact U.S. EPA, Office of Solid Waste, or MICE, as indicated below, for Update IIA).

MICE. Available from Methods Information Communication Service, at 703-821-4789:

"Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," U.S. EPA Publication number SW-846 (Third Edition, November, 1986), Update IIA (Document Number 955-001-00000-1) (contact GPO, as indicated above, for SW-846 and Update I).

NACE. Available from the National Association of Corrosion Engineers, 1400 South Creek Dr., Houston, TX 77084, 713-492-0535:

"Control of External Corrosion on Metallic Buried, Partially Buried, or Submerged Liquid Storage Systems", NACE Recommended Practice RP0285-85, approved March, 1985.

NFPA. Available from the National Fire Protection Association, Batterymarch Park, Boston, MA 02269, 617-770-3000 or 800-344-3555:

"Flammable and Combustible Liquids Code" NFPA 30, issued July 17, 1987. Also available from ANSI.

NTIS. Available from the U.S. Department of Commerce, National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161, 703-487-4600:

"Generic Quality Assurance Project Plan for Land Disposal Restrictions Program", EPA/530-SW-87-011, March 15, 1987. (Document number PB 88-170766.)

"Guidance on Air Quality Models", Revised 1986. (Document number PB86-245-248 (Guideline) and PB88-150-958 (Supplement)).

"Methods for Chemical Analysis of Water and Wastes", Third Edition, March, 1983. (Document number PB 84-128677).

"Methods Manual for Compliance with BIF Regulations", December, 1990. (Document number PB91-120-006).

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"Petitions to Delist Hazardous Wastes--A Guidance Manual", EPA/530-SW-85-003, April, 1985. (Document Number PB 85-194488).

"Procedures Manual for Ground Water Monitoring at Solid Waste Disposal Facilities", EPA-530/SW-611, 1977. (Document number PB 84-174820).

"Screening Procedures for Estimating the Air Quality Impact of Stationary Sources", October, 1992, Publication Number EPA-450/R-92-019.

STI. Available from the Steel Tank Institute, 728 Anthony Trail, Northbrook, IL 60062, 708-498-1980:

"Standard for Dual Wall Underground Steel Storage Tanks" (1986).

U.S. EPA. Available from United States Environmental Protection Agency, Office of Drinking Water, State Programs Division, WH 550 E, Washington, D.C. 20460:

"Technical Assistance Document: Corrosion, Its Detection and Control in Injection Wells", EPA 570/9-87-002, August, 1987.

U.S. EPA. Available from U.S. EPA, Office of Solid Waste (Mail Code 5304), 401 M Street SW, Washington, D.C. 20460:

"Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," U.S. EPA Publication number SW-846 (Third Edition, November, 1986), Update IIA (Document Number 955-001-00000-1) (contact GPO, as indicated above, for SW-846 and Update I).

U.S. EPA. Available from U.S. EPA, Number F-90-WPWF-FPFFF, Room M2427, 401 M Street SW, Washington, D.C. 20460, 202-475-9327:

"Test Method 8290: Procedures for the Detection and Measurement of PCDDs and PCDFs", EPA/530-SW-91-019 (January, 1991)

U.S. EPA Available from Receptor Analysis Branch, U.S. EPA (MD-14), Research Triangle Park, NC 27711:

"Screening Procedures for Estimating the Air Quality Impact of Stationary Sources, Revised", October, 1992, Publication Number EPA-450/R-92-019.

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- b) Code of Federal Regulations. Available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20401, 202-783-3238:

10 CFR 20, Appendix B (1992 1994)

40 CFR 51.100(ii) (1992 1994)

40 CFR 51, Subpart W--as added--at-59-Ped--Reg--38822 (July-207-1993 1994)

40 CFR 60 (1993) (1994), as amended at 59 Fed. Reg. 62924 (Dec. 6, 1994)

40 CFR 61, Subpart V (1993) (1994)

40 CFR 136 (1993) (1994)

40 CFR 142 (1993) (1994)

40 CFR 220 (1992) (1994)

40 CFR 260.20 (1992) (1994)

40 CFR 264 (1992) (1994)

40 CFR 268, Appendix IX (1992) (1994)

40 CFR 302.4, 302.5 and 302.6 (1992) (1994)

40 CFR 761 (1993) (1994)

49 CFR 178 (1994)
Federal Statutes

Section 3004 of the Resource Conservation and Recovery Act (42 U.S.C. 6901 et seq.), as amended through December 31, 1987.

- d) This Section incorporates no later editions or amendments.

(Source: Amended at 19 Ill. Reg. 95081, effective JUN 27 1995)

SUBPART C: RULEMAKING PETITIONS AND OTHER PROCEDURES

Section 720.121 Alternative Equivalent Testing Methods

- a) The Agency has no authority to alter the universe of regulated wastes.

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Modification of testing methods which that are stated in Part 35 Ill. Adm. Code 721 requires rulemaking pursuant to Section 720.120. However, deviation from these methods is allowed under the--express provisions-of-Part 35 Ill. Adm. Code 721, as for example in-Section by 35 Ill. Adm. Code 721.120(c).

- b) The Agency may approve alternative equivalent testing methods to-be for a particular person's used-by-a-certain-person use to determine whether specified types--of wastestreams are subject to these regulations. This shall be done by permit condition or by--a letter directed-to-the-person.

- c) The Board--does-not-intend-to-require-that-either-the testing methods specified in Part 35 Ill. Adm. Code 721 or the alternative equivalent testing methods approved by the Agency should need not be applied to identify or distinguish waste streams which that are known, admitted, or assumed to be subject to these regulations. In this case, any method may be used, subject to the Agency's authority over testing procedures (Section 725.133).

- d) Any petition to the Board or request to the Agency concerning alternative equivalent testing methods shall must include the information required by 40 CFR Section 260.21(b).

- e) Alternative equivalent testing methods will not be approved if the result of the approval would make the Illinois RCRA Subtitle C program less than substantially equivalent to the federal.

(Source: Amended at 19 Ill. Reg. 95081, effective JUN 27 1995)

Section 720.130 Procedures for Solid Waste Determination

In accordance with the standards and criteria in Section 720.131 and the procedures in Section 720.133, the Board will determine on a case-by-case basis that the following recycled materials are not solid wastes:

- a) Materials that are accumulated speculatively without sufficient amounts being recycled (as defined in Section 721.101(c)(8))²;
- b) Materials that are reclaimed and then reused within the original primary production process in which they were generated; and
- c) Materials that have been reclaimed but must be reclaimed further before the materials are completely recovered.

(Source: Amended at 19 Ill. Reg. 95081, effective JUN 27 1995)

Section 720.131 Solid Waste Determinations

- a) The Board will determine that those materials that are accumulated speculatively without sufficient amounts being recycled are not solid wastes if the applicant demonstrates that sufficient amounts of the material will be recycled or transferred for recycling in the

POLLUTION CONTROL BOARD

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following year. Such a determination is valid only for the following year, but can be renewed, on an annual basis, by filing a new application. This determination will be based on the following criteria:

- 1) The manner in which the material is expected to be recycled, when the material is expected to be recycled, and whether this expected disposition is likely to occur (for example, because of past practice, market factors, the nature of the material or contractual arrangements for recycling);
- 2) The reason that the applicant has accumulated the material for one or more years without recycling 75 percent of the volume accumulated at the beginning of the year;
- 3) The quantity of material already accumulated and the quantity expected to be generated and accumulated before the material is recycled;
- 4) The extent to which the material is handled to minimize loss; and
- 5) Other relevant factors.

c) The Board will determine that those materials that are reclaimed and then reused as feedstock within the original ~~primary~~ production process in which the materials were generated are not solid wastes if the reclamation operation is an essential part of the production process. This determination will be based on the following criteria:

- 1) How economically viable the production process would be if it were to use virgin materials, rather than reclaimed materials;
 - 2) The prevalence of the practice on an industry-wide basis;
 - 3) The extent to which the material is handled before reclamation to minimize loss;
 - 4) The time periods between generating the material and its reclamation, and between reclamation and return to the original primary production process;
 - 5) The location of the reclamation operation in relation to the production process;
 - 6) Whether the reclaimed material is used for the purpose for which it was originally produced when it is returned to the original process, and whether it is returned to the process in substantially its original form;
 - 7) Whether the person who that generates the material also reclaims it; and
 - 8) Other relevant factors.
- c) The Board will determine that those materials that have been reclaimed but must be reclaimed further before recovery is completed are not solid wastes if, after initial reclamation, the resulting material is commodity-like (even though it is not yet a commercial product, and has to be reclaimed further). This determination will be based on the following criteria:
- 1) The degree of processing the material has undergone and the degree of further processing that is required;
 - 2) The value of the material after it has been reclaimed;

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- 3) The degree to which the reclaimed material is like an analogous raw material;
- 4) The extent to which an end market for the reclaimed material is guaranteed;
- 5) The extent to which the reclaimed material is handled to minimize loss; and
- 6) Other relevant factors.

(Source: Amended at 19 Ill. Reg. 95081, effective JUN 27 1995)

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NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Identification and Listing of Hazardous Waste

2) Code citation: 35 Ill. Adm. Code 721

3) Section numbers: Adopted action:

721.102, 721.103, 721.104 Amended
721.106, 721.App. I, Table A Amended
721.App. I, Table B Amended
721.App. I, Table C Amended
721.App. I, Table D Amended

4) Statutory authority: 415 ILCS 5/13(c), 22.4 and 27.

5) Effective date of amendments: June 27, 1995

6) Does this rulemaking contain an automatic repeal date? No

7) Do these amendments contain incorporations by reference? Yes. 35 Ill. Adm. Code 720.111 is the centralized listing of all documents incorporated by reference for the purposes of the Illinois UIC and RCRA Subtitle C programs (35 Ill. Adm. Code 702 through 726, 728, 730, 738 & 739). The present amendments include revisions to the references in that Section. Most of the amendments involve updates to analytical methods.

8) Date filed in Board's principal office: Opinion and order adopted June 1, 1995 and supplemental opinion and order adopted June 15, 1995.

9) Notice of proposal published in Illinois Register:

March 24, 1995, 19 Ill. Reg. 3789

10) Has JCAR issued a Statement of Objections to these rules? No. Sections 13(c) and 22.4(a) of the Environmental Protection Act (415 ILCS 5/13(c) & 22.4(a)) provide that Section 5 of the Administrative Procedure Act (5 ILCS 100/5-35 and 5-40) shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR. However, JCAR staff has reviewed the text of the amendments and recommended several minor revisions, as indicated in the table under question 11.

11) Differences between proposal and final version:

The Board has made many revisions to the text of the amendments, most of which were in response to public comments. The revisions are tabulated in summary fashion below. The source of the revisions to each segment of the amendments is indicated by the notations, where (A) denotes the Illinois EPA (Agency), (B) denotes the Board, (C) denotes a commentator, (J) denotes

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JCAR, (S) denotes the Secretary of State, and (U) denotes U.S. EPA.

Section(Source)	Board Action
721. Authority Note(J)	Correct reference to R94-7
721.103(a)(2)(A)(i) & (a)(2)(A)(ii)(S)	Underline subsection headings
721.103(a)(2)(C)(iii)(S,J)	Correct spelling of "Nonwastewater"
721.104(b)(13)(C)(J)	Delete comma
721.104(e)(2)(A)-(e)(2)(E)(J,B)	Correct end punctuation, add and delete "and"
721.106(a)(2)(B)(J)	Correct end punctuation
721.106(a)(3)(F)(J)	Correct cross-reference to "Subtitle C"
721.106(b)(J)	Delete comma
721.App. I, Table B(J)	Remove comma after "USX Steel Corporation", add closing quote mark at condition four
721.App. I, Table D(B)	Add entry for decision in AS 94-10

12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreement letter issued by JCAR?

Sections 13(c) and 22.4(a) of the Environmental Protection Act provide that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

13) Will these amendments replace an emergency amendment currently in effect? No

14) Are there any other amendments pending on this Part? No

15) Summary and purpose of amendments:

A more detailed description is contained in the Board's opinion and order of June 1, 1995 and supplemental opinion and order of June 15, 1995 in R95-4/R95-6, which opinion and order and supplemental opinion and order are

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

available from the address below. Sections 13(c) and 22.4 of the Environmental Protection Act provide that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by JCAR.

This rulemaking updates the Board's RCRA Subtitle C and UIC rules to correspond with amendments adopted by U.S. EPA that appeared in the Federal Register during the period July 1 through December 31, 1994 and January 3 and May 19, 1995. The USEPA actions during this period were as follows:

Federal Action

Summary

59 Fed. Reg. 38536, July 28, 1994 Exclusion from definition of solid waste for certain in-process recycled secondary materials used by the petroleum refining industry

59 Fed. Reg. 43496, August 24, 1994

Withdrawal of exemption from Subtitle C regulation of slag residues from high temperature metal recovery (HTMR) of electric arc furnace dust (R061), steel finishing pickle liquor (R062), and electroplating sludges (R006) that are used in a manner constituting disposal

59 Fed. Reg. 47980, September 19, 1994

Restoration of text from 40 CFR 268.7(a) inadvertently omitted in the amendments of August 31, 1993, at 58 Fed. Reg. 46040

59 Fed. Reg. 47982, September 19, 1994

Phase II land disposal restrictions (LDRs): universal treatment standards for organic toxicity wastes and newly-listed wastes (including underground injection control (UIC) amendments)

59 Fed. Reg. 62896, December 6, 1994

Organic material air emission standards for tanks, surface impoundments, and containers (Subpart CC rules)

In addition to these principal amendments that occurred during the update period, the Board included two additional, later actions:

60 Fed. Reg. 242, January 3, 1995

Corrections to the Phase II land disposal restrictions (universal treatment standards)

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60 Fed. Reg. 26828, May 19, 1995 Delayed effective date for Subpart CC rules

The January 3 action was an amendment of the September 19, 1994 Phase II LDRs (universal waste rule). U.S. EPA corrected errors and clarified language in the universal treatment standards. The Board did not delay in adding these amendments for three reasons:

- 1) The January 3, 1995 amendments were corrections and clarifications of the September 19, 1994 regulations, and not new substantive amendments;
- 2) Prompt action on the January 3, 1995 amendments will facilitate implementation of the Phase II LDRs; and
- 3) The Board received a request from the regulated community that we add the January 3, 1995 amendments to those of September 19, 1994. (See "Expedited Consideration" below.)

The Board also notes that the January 3 amendments occurred within six months of the earliest amendments included in this docket, even if they occurred outside the nominal time-frame of the docket. We included the May 19 amendments because they solely directly affect the effective date of principal amendments within this docket.

Specifically, the amendments to Part 721 incorporated the federal secondary materials recycling amendments of July 28, 1994 and change the Section 721 Appendix I tables to reflect the grant of a hazardous waste delisting by adjusted standard to Envirote Corp. in AS 94-10, on December 14, 1994. The Board made a number of corrections and clarifications in the open provisions.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Michael J. McCambridge
Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60610
312-814-6924

Request copies of the Board's opinion and order of June 1, 1995 and supplemental opinion and order of June 15, 1995 from Victoria Aggyeman, at 312-814-3620.

The full text of the adopted amendments begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 721

IDENTIFICATION AND LISTING OF
HAZARDOUS WASTE

SUBPART A: GENERAL PROVISIONS

Section	Purpose of Scope	Quantity
721.101	Definition of Solid Waste	
721.102	Definition of Hazardous Waste	
721.103	Exclusions	
721.104	Special Requirements for Hazardous Waste Generated by Small Generators	
721.105	Requirements for Recyclable Materials	
721.106	Residues of Hazardous Waste in Empty Containers	
721.107	PCB Wastes Regulated under TSCA	
721.108		

SUBPART B: CRITERIA FOR IDENTIFYING THE
CHARACTERISTICS OF HAZARDOUS WASTE
AND FOR LISTING HAZARDOUS WASTES

Section	Criteria for Identifying the Characteristics of Hazardous Waste
721.110	Criteria for Listing Hazardous Waste
721.111	

SUBPART C: CHARACTERISTICS OF HAZARDOUS WASTE

Section	General
721.120	Characteristic of Ignitability
721.121	Characteristic of Corrosivity
721.122	Characteristic of Reactivity
721.123	Toxicity Characteristic
721.124	

SUBPART D: LISTS OF HAZARDOUS WASTE

Section	General
721.130	Hazardous Wastes From Nonspecific Sources
721.131	Hazardous Waste From Specific Sources
721.132	Discarded Commercial Chemical Products, Off-Specification Species, Container Residues and Spill Residues Thereof
721.133	Wood Preserving Wastes
721.135	

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APPENDIX A

Representative Sampling Methods

APPENDIX B

Method 1311 Toxicity Characteristic Leaching Procedure (TCLP)
Chemical Analysis Test Methods

APPENDIX C

TABLE A Analytical Characteristics of Organic Chemicals (Repealed)
TABLE B Analytical Characteristics of Inorganic Species (Repealed)

APPENDIX D

TABLE C Sample Preparation/Sample Introduction Techniques (Repealed)
TABLE G Basis for Listing Hazardous Wastes

APPENDIX H

Hazardous Constituents
Wastes Excluded

APPENDIX I

Administrative Action
Wastes Excluded by U.S. EPA under 40 CFR 260.20 and 260.22 from

APPENDIX J

Non-Specific Sources
Wastes Excluded by U.S. EPA under 40 CFR 260.20 and 260.22 from

APPENDIX K

Specific Sources
Wastes Excluded by U.S. EPA under 40 CFR 260.20 and 260.22 from

APPENDIX L

from Commercial Chemical Products, Off-Specification Species,
Container Residues, and Soil Residues Thereof

APPENDIX M

Wastes Excluded by the Board by Adjusted Standard
Method of Analysis of Chlorinated Dibenzop-p-dioxins and

APPENDIX N

Dibenzofurans (Repealed)
Table to Section 721.102

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/22.4 and 27].

SOURCE: Adopted in R81-22, 43 PCB 427, at 5 Ill. Reg. 9781, effective May 17, 1982; amended and codified in R81-22, 45 PCB 317, at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R82-18, 51 PCB 31, at 7 Ill. Reg. 2518, effective February 22, 1983; amended in R82-19, 53 PCB 131, at 7 Ill. Reg. 13999, effective October 12, 1983; amended in R84-34, 61 PCB 247, at 8 Ill. Reg. 24562, effective December 11, 1984; amended in R84-9, at 9 Ill. Reg. 11834, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 998, effective January 2, 1986; amended in R85-2 at 10 Ill. Reg. 8112, effective May 2, 1986; amended in R86-1 at 10 Ill. Reg. 14002, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20647, effective December 2, 1986; amended in R86-28 at 11 Ill. Reg. 6035, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13466, effective August 4, 1987; amended in R87-32 at 11 Ill. Reg. 16698, effective September 30, 1987; amended in R87-5 at 11 Ill. Reg. 19303, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2456, effective January 15, 1988; amended in R87-30 at 12 Ill. Reg. 12070, effective July 12, 1988; amended in R87-39 at 12 Ill. Reg. 13006, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 382, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18300, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. 14401, effective August 22, 1990; amended in R90-10 at 14 Ill. Reg. 16472, effective September 25, 1990; amended in R90-17 at 15 Ill. Reg. 7950, effective May 9, 1991; amended in R90-11 at 15 Ill. Reg. 9332, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14473, effective September 30, 1991; amended in R91-12 at 16 Ill. Reg. 2155, effective January 27, 1992; amended in R91-26

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at 16 Ill. Reg. 2600, effective February 3, 1992; amended in R91-13 at 16 Ill. Reg. 9519, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17666, effective November 6, 1992; amended in R92-10 at 17 Ill. Reg. 5650, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20568, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6741, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12175, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17490, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9522 effective JUN 27 1995.

SUBPART A: GENERAL PROVISIONS

Section 721.102 Definition of Solid Waste

- a) Solid waste.
- 1) A solid waste is any discarded material that is not excluded by Section 721.104(a) or that is not excluded pursuant to 35 Ill. Adm. Code 720.130 and 720.131.
 - 2) A discarded material is any material which that is:
 - A) Abandoned, as explained in subsection (b)7 below; or
 - B) Recycled, as explained in subsection (c)7 below; or
 - C) Considered inherently waste-like, as explained in subsection (d)7 below.
 - b) Materials are solid waste if they are abandoned by being:
 - 1) Disposed of; or
 - 2) Burned or incinerated; or
 - 3) Accumulated, stored or treated (but not recycled) before or in lieu of being abandoned by being disposed of, burned or incinerated.
 - c) Materials are solid wastes if they are recycled -- or accumulated, stored or treated before recycling -- as specified in subsections (c)(1) through (c) (4)7 below if they are:
 - 1) Used in a manner constituting disposal.
 - A) Materials noted with a "yes" in column 1 of table in Appendix Z are solid wastes then they are:
 - i) Applied to or placed on the land in a manner that constitutes disposal; or
 - ii) Used to produce products that are applied to or placed on the land or are otherwise contained in products that are applied to or placed on the land (in which cases the product itself remains a solid waste).
 - B) However, commercial chemical products listed in Section 721.133 are not solid wastes if they are applied to the land and that is their ordinary manner of use.
 - 2) Burned for energy recovery.
 - A) Materials noted with a "yes" in column 2 of table in Appendix Z are solid wastes when they are:
 - i) Burned to recover energy;
 - ii) Used to produce a fuel or are otherwise contained in

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- fuels (in which case the fuel itself remains a solid waste):
- iii) Contained in fuels (in which case the fuel itself remains a solid waste).
 - B) However, commercial chemical products listed in Section 721.133 are not solid wastes when reclaimed.
 - 3) Reclaimed. Materials noted with a "yes" in column 3 of table in Appendix Z are solid wastes when reclaimed.
 - 4) Accumulated speculatively. Materials noted with "yes" in column 4 of table in Appendix 3 are solid wastes when accumulated speculatively.
 - d) Inherently waste-like materials. The following materials are solid wastes when they are recycled in any manner:
 - 1) Hazardous waste numbers F020, F021 (unless used as an ingredient to make a product at the site of generation), F022, F023, F026, and F028.
 - 2) Secondary materials fed to a halogen acid furnace that exhibit a characteristic of a hazardous waste or are listed as a hazardous waste as defined in 721-Subparts C or D, except for brominated material which that meets the following criteria:
 - A) The material must contain a bromine concentration of at least 45% and
 - B) The material must contain less than a total of 1% of toxic organic compounds listed in Appendix H; and
 - C) The material is processed continually on-site in the halogen acid furnace via direct conveyance (hard piping).
 - 3) The following criteria are used to add wastes to the list:
 - A) Disposal method or toxicity
 - i) The materials are ordinarily disposed of, burned, or incinerated; or
 - ii) The materials contain toxic constituents listed in Appendix H and these constituents are not ordinarily found in raw materials or products for which the materials substitute (or are found in raw materials or products in smaller concentrations) and are not used or reused during the recycling process; and
 - B) The material may pose a substantial hazard to human health and the environment when recycled.
 - e) Materials that are not solid waste when recycled.
 - 1) Materials that are not solid wastes when they can be shown to be recycled by being:
 - A) Used or reused as ingredients in an industrial process to make a product, provided the materials are not being reclaimed; or
 - B) Used or reused as effective substitutes for commercial products; or
 - C) Returned to the original process from which they are generated without first being reclaimed. The materials

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must be returned as a substitute for raw materials feedstock materials--and--the process--must--use--raw--materials--as practical feedstocks. In cases where the original process to which the material is returned is a secondary process, the materials must be managed so there is no placement on the land.

2) The following materials are solid wastes, even if the recycling involves use, reuse, or return to the original process (described in subsections (e)(1)(A) through (e)(1)(C) above):

- A) Materials used in a manner constituting disposal or used to produce products that are applied to the land; or
- B) Materials burned for energy recovery; used to produce a fuel; or contained in fuels; or
- C) Materials accumulated speculatively; or
- D) Materials listed in subsections (d)(1) and (d)(2) above.

f) Documentation of claims that materials are not solid wastes or are conditionally exempt from regulation. Respondents in actions to enforce regulations implementing Subtitle C of the Resource Conservation Recovery Act or Section 21 of the Environmental Protection Act who that raise a claim that a certain material is not solid waste or that the material is conditionally exempt from regulation must demonstrate that there is a known market or disposition for the material and that they meet the terms of the exclusion or exemption. In doing so, they the person must provide appropriate documentation (such as contracts showing that a second person used the material as an ingredient in a production process) to demonstrate that the material is not a waste or that the material is exempt from regulation. In addition, owners or operators of facilities claiming that they actually are recycling materials must show that they have the necessary equipment to do so.

(Source: Amended at 19 Ill. Reg. 9522.1, effective

JUN 27 1995)

Section 721.103 Definition of Hazardous Waste

a) A solid waste, as defined in Section 721.102, is a hazardous waste if:

- 1) It is not excluded from regulation as a hazardous waste under Section 721.104(b); and
- 2) It meets any of the following criteria:

A) It exhibits any of the characteristics of hazardous waste identified in 721.Subpart C of this Part.

- i) Except that any mixture of a waste from the extraction, beneficiation, or processing of ores or minerals excluded under Section 721.104(b)(7) and any other solid waste exhibiting a characteristic of hazardous waste under 721.Subpart C of this Part is a hazardous waste only: if it exhibits a characteristic that would

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not have been exhibited by the excluded waste alone if such mixture had not occurred, or if it continues to exhibit any of the characteristics exhibited by the non-excluded wastes prior to mixture.

ii) Further, for the purposes of applying the toxicity characteristic to such mixtures under subsection (a)(2)(A)(i) above, the mixture is also a hazardous waste: if it exceeds the maximum concentration for any contaminant listed in Section 721.124 that would not have been exceeded by the excluded waste alone if the mixture had not occurred, or if it continues to exceed the maximum concentration for any contaminant exceeded by the nonexempt waste prior to mixture.

B) It is listed in 721.Subpart D of this Part and has not been excluded from the lists in 721.Subpart D of this Part under 35 Ill. Adm. Code 720.120 and 720.122.

C) It is a mixture of a solid waste and a hazardous waste that is listed in 721.Subpart D of this Part solely because it exhibits one or more of the characteristics of hazardous waste identified in 721.Subpart C of this Part, unless:

i) the resultant mixture no longer exhibits any characteristic of hazardous waste identified in 721.Subpart C of this Part, or unless

ii) the solid waste: is excluded from regulation under Section 721.104(b)(7); and the resultant mixture no longer exhibits any characteristic of hazardous waste identified in 721.Subpart C of this Part for which the hazardous waste listed in 721.Subpart D of this Part was listed.

iii) However, nonwastewater Nonwastewater mixtures are still subject to the requirements of 35 Ill. Adm. Code 728, even if they no longer exhibit a characteristic at the point of land disposal.

D) It is a mixture of solid waste and one or more hazardous wastes listed in 721.Subpart D of this Part and has not been excluded from this subsection (a)(2) under 35 Ill. Adm. Code 720.120 and 720.122; however, the following mixtures of solid wastes and hazardous wastes listed in 721.Subpart D of this Part are not hazardous wastes (except by application of subsection (a)(2)(A) or (a)(2)(B) above) if the generator demonstrates that the mixture consists of wastewater the discharge of which is subject to regulation under either 35 Ill. Adm. Code 309 or 310 (including wastewater at facilities which that have eliminated the discharge of wastewater) and:

i) One or more of the following solvents listed in Section 721.131: - carbon tetrachloride, tetrachloroethylene, trichloroethylene, - provided that the maximum total

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weekly usage of these solvents (other than the amounts that can be demonstrated not to be discharged to wastewater) divided by the average weekly flow of wastewater into the headworks of the facility's wastewater treatment or pretreatment system does not exceed 1 part per million; or

- ii) One or more of the following spent solvents listed in Section 721.131: - methylene chloride, 1,1,1-trichloroethane, chlorobenzene, o-dichlorobenzene, cresols, cresylic acid, nitrobenzene, toluene, methyl ethyl ketone, carbon disulfide, isobutanol, pyridine, spent chlorofluorocarbon solvents, - provided that the maximum total weekly usage of these solvents (other than the amounts that can be demonstrated not to be discharged to wastewater) divided by the average weekly flow of wastewater into the headworks of the facility's wastewater treatment or pretreatment system does not exceed 25 parts per million; or

- iii) One of the following wastes listed in Section 721.132: - neat exchanger bundle cleaning sludge from the petroleum refining industry (U.S. EPA Hazardous Hazardous Waste-No waste no. K050); or

- iv) A discarded commercial chemical product or chemical intermediate listed in Section 721.133 arising from de minimis losses of these materials from manufacturing operations in which these materials are used as raw materials or are produced in the manufacturing process. For purposes of this subsection, "de minimis" losses include those from normal material handling operations (e.g., spills from the unloading or transfer of materials from bins or other containers, leaks from pipes, valves, or other devices used to transfer materials); minor leaks of process equipment, storage tanks, or containers; leaks from well-maintained pump packings and seals; sample purgings; relief device discharges; discharges from safety showers and rinsing and cleaning of personal safety equipment; and rinsate from empty containers or from containers that are rendered empty by that rinsing; or

- v) Wastewater resulting from laboratory operations containing toxic (T) wastes listed in 721.Subpart D of this-Part, provided that the annualized average flow of laboratory wastewater does not exceed one percent of total wastewater flow into the headworks of the facility's wastewater treatment or pretreatment system or provided that the wastes combined annualized average concentration does not exceed one part per million in the headworks of the facility's wastewater treatment or

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pretreatment facility. Toxic (T) wastes used in laboratories that are demonstrated not to be discharged to wastewater are not to be included in this calculation.

- E) Rebuttable presumption for used oil. Used oil containing more than 1,000 ppm total halogens is presumed to be a hazardous waste because it has been mixed with halogenated hazardous waste listed in 721.Subpart D of this-Part. Persons may rebut this presumption by demonstrating that the used oil does not contain hazardous waste (for example, by using an analytical method from SW-846, 3d-ed., incorporated by reference at 35 Ill. Adm. Code 720.111, to show that the used oil does not contain significant concentrations of halogenated hazardous constituents listed in 721.Appendix H).

- i) The rebuttable presumption does not apply to metalworking oils or fluids containing chlorinated paraffins if they are processed through a tolling arrangement as described in 35 Ill. Adm. Code 739.124(c)7 to reclaim metalworking oils or fluids. The presumption does apply to metalworking oils or fluids if such oils or fluids are recycled in any other manner, or disposed.

- ii) The rebuttable presumption does not apply to used oils contaminated with chlorofluorocarbons (CFCs) removed from refrigeration units where the CFCs are destined for reclamation. The rebuttable presumption does apply to used oils contaminated with CFCs that have been mixed with used oil from sources other than refrigeration units.

- b) A solid waste which that is not excluded from regulation under subsection (a)(1) above becomes a hazardous waste when any of the following events occur:

- 1) In the case of a waste listed in 721.Subpart D of this-Part, when the waste first meets the listing description set forth in 721.Subpart D of this-Part.

- 2) In the case of a mixture of solid waste and one or more listed hazardous wastes, when a hazardous waste listed in 721.Subpart D of this-Part is first added to the solid waste.

- 3) In the case of any other waste (including a waste mixture), when the waste exhibits any of the characteristics identified in 721.Subpart C of this-Part.

- c) Unless and until it meets the criteria of subsection (d) below, a hazardous waste will remain a hazardous waste.

BOARD NOTE: This subsection corresponds with 40 CFR 261.3(c)(1). The Board has codified 40 CFR 261.3(c)(2) at subsection (e) below.

- 17 A-hazardous-waste-with-remain-a-hazardous-waste-

- 27 Specific-inclusions-and-exclusions-

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- A) Except as otherwise provided in subsection (c)(2)(B) below any solid waste generated from the treatment, storage or disposal of a hazardous waste, including any sludge, spill residue, ash, emission control dust or leachate that is not including precipitation runoff, is a hazardous waste. However, materials that are reclaimed from solid waste and that are used beneficially are not solid wastes and hence are not hazardous wastes under this provision unless the reclaimed materials are burned for energy recovery or used in a manner constituting disposal.
- B) The following solid wastes are not hazardous even though they are generated from the treatment, storage or disposal of a hazardous waste unless they exhibit one or more of the characteristics of hazardous waste:
- 1) Waste packs, liquor, sludge generated by time substitution spent prior to incineration and steel industry (SSG Code 331 and 332) (standard industrial codes) as defined and incorporated by reference in 35 Ill. Adm. Code 720-110 and 720-111.
 - 2) Wastes from burning any of the materials exempted from regulation by Section 720-110(c)(1) through (c)(4) of the Nonwastewater Residue, such as slag resulting from high temperature metal recovery, (HMR) processing of H661, H062 or P006 waste in units identified that are disposed of in non hazardous waste units, provided that these wastes meet the generic exclusion levels identified in the table in this subsection for all constituents and exhibit no characteristics of hazardous waste. The types of units are rotary kilns, flame reactors, electric furnaces, plasma arc furnaces, slag reactors, rotary hearth furnaces, electric furnaces, combinations of the following types of furnaces: blast furnaces, smelting, melting, and refining furnaces (including pyrometallurgical devices such as coplast, reverberator, furnace, smelting machines, roasters and fondry, furnace, and other furnaces designated by the Agency pursuant to that definition). Meeting requirements must be incorporated into facility waste analysis plan as a minimum self implementing waste analysis plan or a generator's compliance plan. The Agency may collect and analyze samples of residues, mass be collected and analyzed separately and when the process or operation generating the waste changes, mass be collected and submitted for an enforcement action with a burden of proving by clear and convincing evidence that the materials at the exclusion level are not generated in exclusion level.

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Constituent	Maximum for any single composite sample (mg/Bt)
Generic exclusion levels for H061 and H062 nonwastewater HMR residues	
Antimony	0.10
Arsenic	0.50
Barium	7.6
Beryllium	0.210
Cadmium	0.350
Chromium (total)	0.33
Cobalt	0.35
Mercury	0.009
Nickel	0.73
Selenium	0.26
Silver	0.30
Phosphorus	0.320
Vanadium	0.26
Zinc	0.70
Generic exclusion levels for P006 nonwastewater HMR residues	
Antimony	0.10
Arsenic	0.50
Barium	7.6
Beryllium	0.210
Cadmium	0.350
Chromium (total)	0.33
Cyanide (total) (mg/kg)	2.0
Lead	0.25
Mercury	0.009
Nickel	0.73
Selenium	0.26
Silver	0.30
Vanadium	0.26
Zinc	0.70
A) One time notification and certification must be filed in the facility's files and sent to the Agency for the purpose of State Agency notification. The Agency is authorized to implement 40 CFR 260 requirements for H061, H062 or P006 HMR residues that meet the generic exclusion level for at least one of the HMR exclusion levels. The Agency shall send a copy of the notification and certification to the Agency.	

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that is placed in the generators or treatment facilities must be updated if the process or operation generating the waste changes or if the RCRA Subtitle B unit receiving the waste changes. However, the generator or treatment facility need only notify the Agency on an annual basis if such changes occur. Such notification and certification should be sent to the Agency by the end of the calendar year, but no later than December 31, if the notification must include the following information: The name and address of the nonhazardous waste management unit receiving the waste shipment; the USEPA hazardous waste number and treatment group at the initial point of generation; the treatment standards applicable to the waste; at the initial point of generation, the certification must be signed by an authorized representative and must state as follows: "I certify under penalty of law that the generic exclusion levels for all constituents have been met without impermissible dilution and that no characteristic of hazardous waste is exhibited. If I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment."

BOARD NOTE: The generic exclusion levels for arsenic and zinc are higher than the HWMR-based alternative treatment standards for H662 and P666 and HWMR-based Code 720.141. However, the HWMR residues must meet the applicable treatment standards prior to generic exclusion. Therefore, to be eligible for a generic exclusion, the treated residues must meet the lower of either the treatment standards or the generic exclusion levels for each constituent.

d) Any solid waste described in subsection (c) above is not a hazardous waste if it meets the following criteria:

- 1) In the case of any solid waste, it does not exhibit any of the characteristics of hazardous waste identified in 721 Subpart C of this Part. (However, wastes which that exhibit a characteristic at the point of generation may still be subject to the requirements of 35 Ill. Adm. Code 720, even if they no longer exhibit a characteristic at the point of land disposal.)
- 2) In the case of a waste which that is a listed waste under 721 Subpart D of this Part, a waste that contains a waste listed under 721 Subpart D of this Part, or a waste that is a derived from a waste listed in 721 Subpart D of this Part, it also has been excluded from subsection (c) above under 35 Ill. Adm. Code 720.120 and 720.122.

e) This subsection corresponds with 40 CFR 261.3(f) a subsection which

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has been deleted from the Federal Regulations. This statement maintains structural consistency with USEPA rules. Specific inclusions and exclusions.

- 1) Except as otherwise provided in subsection (e)(2) below, any solid waste generated from the treatment, storage, or disposal of a hazardous waste, including any sludge, spill residue, ash, emission control dust, or leachate (but not including precipitation run-off), is a hazardous waste. (However, materials that are reclaimed from solid wastes and that are used beneficially are not solid wastes and hence are not hazardous wastes under this provision unless the reclaimed material is burned for energy recovery or used in a manner constituting disposal.)

- 2) The following solid wastes are not hazardous even though they are generated from the treatment, storage, or disposal of a hazardous waste unless they exhibit one or more of the characteristic of hazardous waste:

- A) Waste pickle liquor sludge generated by lime stabilization of spent pickle liquor from the iron and steel industry (SIC Codes 331 and 332).
- B) Wastes from burning any of the materials exempted from regulation by any of Section 721.106(a)(3)(D) through (a)(3)(F).

- C) Nonwastewater residues, such as slag, resulting from high temperature metal recovery (HWMR) processing of K061, K062, or F006 waste in the units identified in this subsection that are disposed of in non-hazardous waste units, provided that these residues meet the generic exclusion levels identified in the tables in this subsection for all constituents and the residues exhibit no characteristics of hazardous waste. The types of units identified are rotary kilns, flame reactors, electric furnaces, plasma arc furnaces, slag reactors, rotary hearth furnaces/electric furnace combinations, or the following types of industrial furnaces (as defined in 35 Ill. Adm. Code 720.110): blast furnaces, smelting, melting and refining furnaces (including pyrometallurgical devices such as cupolas, reverberator furnaces, sintering machines, roasters, and foundry furnaces), and other furnaces designated by the Agency pursuant to that definition.

- (i) Testing requirements must be incorporated in a facility's waste analysis plan or a generator's self-implementing waste analysis plan; at a minimum, composite samples of residues must be collected and analyzed quarterly and when the process or operation generating the waste changes.

- (ii) Persons claiming this exclusion in an enforcement action will have the burden of proving by clear and

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convincing evidence that the material meets all of the exclusion requirements. The generic exclusion levels are:

Constituent	Maximum for any single composite sample (mg/L)
Generic exclusion levels for K061 and K062 nonwastewater HTMR residues.	
Antimony.....	0.10
Arsenic.....	0.50
Barium.....	7.6
Beryllium.....	0.010
Cadmium.....	0.050
Chromium (total).....	0.33
Lead.....	0.15
Mercury.....	0.009
Nickel.....	1.0
Selenium.....	0.16
Silver.....	0.30
Thallium.....	0.020
Vanadium.....	1.26
Zinc.....	70.

Generic exclusion levels for F006 nonwastewater HTMR residues

Antimony.....	0.10
Arsenic.....	0.50
Barium.....	7.6
Beryllium.....	0.010
Cadmium.....	0.050
Chromium (total).....	0.33
Cyanide (total) (mg/kg).....	1.8
Lead.....	0.15
Mercury.....	0.009
Nickel.....	1.0
Selenium.....	0.16
Silver.....	0.30
Thallium.....	0.020
Zinc.....	70.

(iii) A one-time notification and certification must be placed in the facility's files and sent to the Agency (or, for out-of-State shipments, to the appropriate Regional Administrator of U.S. EPA or the state agency authorized to implement 40 CFR 268 requirements) for

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K061, K062, or F006 HTMR residues that meet the generic exclusion levels for all constituents and do not exhibit any characteristics and which are sent to RCRA Subtitle D (municipal solid waste landfill) units. The notification and certification that is placed in the generator's or treater's files must be updated if the process of operation generating the waste changes or if the RCRA Subtitle D unit receiving the waste changes. However, the generator or treater need only notify the Agency on an annual basis if such changes occur. Such notification and certification should be sent to the Agency by the end of the calendar year, but no later than December 31. The notification must include the following information: the name and address of the nonhazardous waste management unit receiving the waste shipment; the U.S. EPA hazardous waste number and treatability group at the initial point of generation; and the treatment standards applicable to the waste at the initial point of generation. The certification must be signed by an authorized representative and must state as follows:

"I certify under penalty of law that the generic exclusion levels for all constituents have been met without impermissible dilution and that no characteristic of hazardous waste is exhibited. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment."

BOARD NOTE: This subsection would normally correspond with 40 CFR 261.3(e), a subsection which has been deleted and marked "reserved" by U.S. EPA. Rather, this subsection corresponds with 40 CFR 261.3(c)(2), which the Board codified here to comport with codification requirements and enhance clarity.

f) Notwithstanding subsections (a) through (e) above and provided the debris, as defined in 35 Ill. Adm. Code 728.102, does not exhibit a characteristic identified at 721.Subpart D of this Part, the following materials are not subject to regulation under 35 Ill. Adm. Code 720, 721 to 726, 728, or 730:

- 1) Hazardous debris as defined in 35 Ill. Adm. Code 728.102 that has been treated using one of the required extraction or destruction technologies specified in ~~Table A~~ of 35 Ill. Adm. Code 728.145Table F; persons claiming this exclusion in an enforcement action will have the burden of proving by clear and convincing evidence that the material meets all of the exclusion requirements; or
- 2) Debris as defined in 35 Ill. Adm. Code 728.102 that the Agency, considering the extent of contamination, has determined is no

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longer contaminated with hazardous waste.

(Source: Amended in at 19 Ill. Reg. **9522**, effective **JUN 27 1995**)

Section 721.104 Exclusions

- a) Materials that are not solid wastes. The following materials are not solid wastes for the purpose of this Part:

- 1) Sewage:
 - A) Domestic sewage; and
 - B) Any mixture of domestic sewage and other waste that passes through a sewer system to publicly-owned treatment works for treatment.
- C) "Domestic sewage" means untreated sanitary wastes that pass through a sewer system.
- 2) Industrial wastewater discharges that are point source discharges with NPDES permits issued by the Agency pursuant to Section 12(f) of the Environmental Protection Act and 35 Ill. Adm. Code 309. BOARD NOTE: This exclusion applies only to the actual point source discharge. It does not exclude industrial wastewaters while they are being collected, stored, or treated before discharge, nor does it exclude sludges that are generated by industrial wastewater treatment.
- 3) Irrigation return flows.
- 4) Source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.)
- 5) Materials subjected to in-situ mining techniques that are not removed from the ground as part of the extraction process.
- 6) Pulping liquors (i.e., black liquor) that are reclaimed in a pulping liquor recovery furnace and then reused in the pulping process, unless accumulated speculatively, as defined in Section 721.101(c).
- 7) Spent sulfuric acid used to produce virgin sulfuric acid, unless it is accumulated speculatively, as defined in Section 721.101(c).
- 8) Secondary materials that are reclaimed and returned to the original process or processes in which they were generated where they are reused in the production process, provided:
 - A) Only tank storage is involved, and the entire process through completion of reclamation is closed by being entirely connected with pipes or other comparable enclosed means of conveyance;
 - B) Reclamation does not involve controlled flame combustion (such as occurs in boilers, industrial furnaces or incinerators);
 - C) The secondary materials are never accumulated in such tanks for over twelve months without being reclaimed; and

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- D) The reclaimed material is not used to produce a fuel, or used to produce products that are used in a manner constituting disposal.
 - 9) Wood preserving wastes.
 - A) Spent wood preserving solutions that have been used and which are reclaimed and reused for their original intended purpose; and
 - B) Wastewaters from the wood preserving process that have been reclaimed and which are reused to treat wood.
 - 10) Hazardous waste number numbers K060, K087, K141, K142, K143, K144, K145, K147, and K148, and any wastes from the coke by-products processes that are hazardous only because they exhibit the toxicity characteristic specified in Section 721.124, when subsequent to generation, these materials are recycled to coke ovens, to the tar recovery process as a feedstock to produce coal tar, or are mixed with coal tar prior to the tar's sale or refining. This exclusion is conditioned on there being no land disposal of the wastes waste from the point they it are is generated to the point they it are is recycled to coke ovens, to or tar recovery, to or the tar refining processes, or prior to when it is mixed with coal.
 - 11) Nonwastewater splash condenser dross residue from the treatment of hazardous waste number K061 in high temperature metals recovery units, provided it is shipped in drums (if shipped) and not land disposed before recovery.
 - 12) Recovered oil from petroleum refining, exploration, and production and from transportation incident thereto that is to be inserted into the petroleum refining process (SIC Code 2911) along with normal process streams prior to crude distillation or catalytic cracking. This exclusion applies to recovered oil stored or transported prior to insertion, except that the oil must not be stored in a manner involving placement on the land and the oil must not be accumulated speculatively before being recycled. Recovered oil is oil that has been reclaimed from secondary materials (such as wastewater) generated from normal petroleum refining, exploration and production, and transportation practices. Recovered oil includes oil that is recovered from refinery wastewater collection and treatment systems, oil recovered from oil and gas drilling operations, and oil recovered from waste removed from crude oil storage tanks. Recovered oil does not include (among other things) oil-bearing hazardous waste listed in 721. Subpart D (e.g., K048 through K052, F037, and F038). However, oil recovered from such wastes may be considered recovered oil. Recovered oil also does not include used oil as defined in 35 Ill. Adm. Code 739.100.
- b) Solid wastes that are not hazardous wastes. The following solid wastes are not hazardous wastes:
- 1) Household waste, including household waste that has been

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collected, transported, stored, treated, disposed, recovered (e.g., refuse-derived fuel), or reused. "Household waste" means any waste material (including garbage, trash, and sanitary wastes in septic tanks) derived from households (including single and multiple residences, hotels, and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas). A resource recovery facility managing municipal solid waste shall not be deemed to be treating, storing, disposing of, or otherwise managing hazardous wastes for the purposes of regulation under this Part, if such facility:

- A) Receives and burns only:
 - i) Household waste (from single and multiple dwellings, hotels, motels, and other residential sources); and
 - ii) Solid waste from commercial or industrial sources that does not contain hazardous waste; and
- B) Such facility does not accept hazardous waste and the owner or operator of such facility has established contractual requirements or other appropriate notification or inspection procedures to assure that hazardous wastes are not received at or burned in such facility.

BOARD NOTE: The U.S. Supreme Court determined, in *City of Chicago v. Environmental Defense Fund, Inc.*, no. 92-1639 (May 2, 1994), that this exclusion and RCRA section 3001(i) (42 U.S.C. 6921(i)) do not exclude the ash from facilities covered by this subsection from regulation as a hazardous waste. At 59 Fed. Reg. 29372 (June 7, 1994), U.S. EPA granted facilities managing ash from such facilities that is determined a hazardous waste under 721.Subpart C until December 7, 1994 to file a Part A permit application pursuant to 35 Ill. Adm. Code 703.181.

- 2) Solid wastes generated by any of the following that are returned to the soil as fertilizers:
 - A) The growing and harvesting of agricultural crops; or
 - B) The raising of animals, including animal manures.
- 3) Mining overburden returned to the mine site.
- 4) Fly ash waste, bottom ash waste, slag waste, and flue gas emission control waste generated primarily from the combustion of coal or other fossil fuels, except as provided in 35 Ill. Adm. Code 726.212 for facilities that burn or process hazardous waste.
- 5) Drilling fluids, produced waters, and other wastes associated with the exploration, development, or production of crude oil, natural gas, or geothermal energy.
- 6) Chromium wastes:
 - A) Wastes that fail the test for the toxicity characteristic (Section 721.124 and Appendix B) because chromium is present or which are listed in 721.Subpart D of this Part due to the presence of chromium, that do not fail the test for the toxicity characteristic for any other constituent or which

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are not listed due to the presence of any other constituent, and that do not fail the test for any other characteristic, if it is shown by a waste generator or by waste generators that:

- i) The chromium in the waste is exclusively (or nearly exclusively) trivalent chromium; and
- ii) The waste is generated from an industrial process that uses trivalent chromium exclusively (or nearly exclusively) and the process does not generate hexavalent chromium; and
- iii) The waste is typically and frequently managed in non-oxidizing environments.

B) Specific wastes that meet the standard in subsection ~~subsections~~ (b)(6)(A)(i)-(b)(6)(A)(ii)-(b)(6)(A)(iii) above (so long as they do not fail the test for the toxicity characteristic for any other constituent and do not exhibit any other characteristic) are:

- i) Chrome (blue) trimmings generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; no beamhouse; through-the-blue; and shearing;
- ii) Chrome (blue) shavings generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retan/wet finish; no beamhouse; through-the-blue; and shearing;
- iii) Buffing dust generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; no beamhouse; through-the-blue; and shearing;
- iv) Sewer screenings generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retan/wet finish; no beamhouse; through-the-blue; and shearing;
- v) Wastewater treatment sludges generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retan/wet finish; no beamhouse; through-the-blue; and shearing;
- vi) Wastewater treatment sludges generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retan/wet finish; no beamhouse; through-the-blue; and shearing;

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- vii) Waste scrap leather from the leather tanning industry, the shoe manufacturing industry, and other leather product manufacturing industries; and
- viii) Wastewater treatment sludges from the production of titanium dioxide pigment using chromium-bearing ores by the chloride process.
- 7) Solid waste from the extraction, beneficiation, and processing of ores and minerals (including coal, phosphate rock, and overburden from the mining of uranium ore), except as provided by 35 Ill. Adm. Code 726.212 for facilities that burn or process hazardous waste. For purposes of this subsection, beneficiation of ores and minerals is restricted to the following activities: crushing, grinding, washing, dissolution, crystallization, filtration, sorting, sizing, drying, sintering, pelletizing, briquetting, calcining to remove water or carbon dioxide, roasting, autoclaving or chlorination in preparation for leaching (except where the roasting or autoclaving or chlorination and leaching sequence produces a final or intermediate product that does not undergo further beneficiation or processing), gravity concentration, magnetic separation, electrostatic separation, floatation, ion exchange, solvent extraction, electrowinning, precipitation, amalgamation, and heap, dump, vat tank, and in situ leaching. For the purposes of this subsection, solid waste from the processing of ores and minerals includes only the following wastes:
- Slag from primary copper processing⁷.
 - Slag from primary lead processing⁷.
 - Red and brown muds from bauxite refining⁷.
 - Phosphogypsum from phosphoric acid production⁷.
 - Slag from elemental phosphorus production⁷.
 - Gasifier ash from coal gasification⁷.
 - Process wastewater from coal gasification⁷.
 - Calcium sulfate wastewater treatment plant sludge from primary copper processing⁷.
 - Slag tailings from primary copper processing⁷.
 - Fluorogypsum from hydrofluoric acid production⁷.
 - Process wastewater from hydrofluoric acid production⁷.
 - Air pollution control dust or sludge from iron blast furnaces⁷.
 - Iron blast furnace slag⁷.
 - Treated residue from roasting and leaching of chrome ore⁷.
 - Process wastewater from primary magnesium processing by the anhydrous process⁷.
 - Process wastewater from phosphoric acid production⁷.
 - Basic oxygen furnace and open hearth furnace air pollution control dust or sludge from carbon steel production⁷.
 - Basic oxygen furnace and open hearth furnace slag from carbon steel production⁷.

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- S) Chloride processing waste solids from titanium tetrachloride production⁷, and
- T) Slag from primary zinc smelting.
- 8) Cement kiln dust waste, except as provided by 35 Ill. Adm. Code 726.212 for facilities that burn or process hazardous waste.
- 9) Solid waste that consists of discarded arsenical-treated wood or wood products which that fails the test for the toxicity characteristic for hazardous waste codes D004 through D017 and that which is not a hazardous waste for any other reason if the waste is generated by persons who that utilize the arsenical-treated wood and wood products for these materials' intended end use.
- 10) Petroleum-contaminated media and debris that fail the test for the toxicity characteristic of Section 721.124 (hazardous waste codes D018 through D043 only) and which are subject to corrective action regulations under 35 Ill. Adm. Code 731.
- 11) Injected--groundwater--that-is-hazardous-only-because-it-exhibits the-toxicity-characteristic-(U-S-EPA-hazardous-waste-codes--B010 through--B024-only)-in-Section-721.124-that-is-reinjected-through an-underground-injection-well-pursuant-to-free-phase-hydrocarbon recovery-operations-undertaken-at-petroleum-refineries-petroleum marketing-terminais-petroleum-bulk-planty-petroleum-pipelines-and-petroleum-spill-sites-until-January-25-1993---This-extension applies-to-recovery-operations-in-extension-or-for-which contracts-have-been-issued-on-or-before-March-25-1991---For groundwater--returned-through-infiltration-galleries-from-such-at petroleum-refineries-marketing-terminais-and-bulk-planty-until October-27-1991---New-operations-involving-injection-wells beginning-after-March-25-1991-will-qualify-for-this-compliance date-extension-until-January-25-1993-only-if-this-subsection corresponds with 40 CFR 261.4(b)(11), which expired by its own terms on January 25, 1993. This statement maintains structural parity with U.S. EPA regulations.
- A) Operations-are-performed-pursuant-to-a-free-product-removal report-pursuant-to-35-III-Adm-Code-731.164-and
- B) A-copy-of-the-free-product-removal-report-has-been submitted-to:
- Characteristics-Section-(08-333)
U-S-EPA
401-M-Street-SW
Washington-D-C-20460
- 12) Used chlorofluorocarbon refrigerants from totally enclosed heat transfer equipment, including mobile air conditioning systems, mobile refrigeration, and commercial and industrial air conditioning and refrigeration systems that use chlorofluorocarbons as the heat transfer fluid in a refrigeration cycle, provided the refrigerant is reclaimed for further use.
- 13) Non-terne plated used oil filters that are not mixed with wastes

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listed in 721. Subpart D of this Part, if these oil filters have been gravity not-drained using one of the following methods:

- A) Puncturing the filter anti-drain back valve or the filter dome end and hot-draining;
- B) Hot-draining and crusing;
- C) Dismantling and hot-draining; or
- D) Any other equivalent hot-draining method that will remove used oil.

14) Used oil re-refining distillation bottoms that are used as feedstock to manufacture asphalt products.

- c) Hazardous wastes that are exempted from certain regulations. A hazardous waste that is generated in a product or raw material storage tank, a product or raw material transport vehicle or vessel, a product or raw material pipeline, or in a manufacturing process unit, or an associated non-waste-treatment manufacturing unit, is not subject to regulation under 35 Ill. Adm. Code 702, 703, 705, and 722 through 725, and 728 or to the notification requirements of Section 3010 of RCRA until it exits the unit in which it was generated, unless the unit is a surface impoundment, or unless the hazardous waste remains in the unit more than 90 days after the unit ceases to be operated for manufacturing or for storage or transportation of product or raw materials.

d) Samples.

1) Except as provided in subsection (d)(2) below, a sample of solid waste or a sample of water, soil, or air that is collected for the sole purpose of testing to determine its characteristics or composition is not subject to any requirements of this Part or 35 Ill. Adm. Code 702, 703, 705 and 722 through 728. The sample qualifies when:

- A) The sample is being transported to a laboratory for the purpose of testing; or
- B) The sample is being transported back to the sample collector after testing; or
- C) The sample is being stored by the sample collector before transport to a laboratory for testing; or
- D) The sample is being stored in a laboratory before testing; or
- E) The sample is being stored in a laboratory for testing but before it is returned to the sample collector; or
- F) The sample is being stored temporarily in the laboratory after testing for a specific purpose (for example, until conclusion of a court case or enforcement action where further testing of the sample may be necessary).

2) In order to qualify for the exemption in subsections (d)(1)(A) and (d)(1)(B) above, a sample collector shipping samples to a laboratory and a laboratory returning samples to a sample collector shall:

- A) Comply with U.S. Department of Transportation (DOT), U.S.

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Postal Service (USPS), or any other applicable shipping requirements; or

- B) Comply with the following requirements if the sample collector determines that DOT, USPS, or other shipping requirements do not apply to the shipment of the sample:

- i) Assume that the following information accompanies the sample: The sample collector's name, mailing address, and telephone number; the laboratory's name, mailing address, and telephone number; the quantity of the sample; the date of the shipment; and a description of the sample.

- ii) Package the sample so that it does not leak, spill, or vaporize from its packaging.

- 3) This exemption does not apply if the laboratory determines that the waste is hazardous but the laboratory is no longer meeting any of the conditions stated in subsection (d)(1) above.

e) Treatability study samples.

- 1) Except as is provided in subsection (e)(2) below, a person ~~persons--who~~ that generates ~~generate~~ or collects ~~collect~~ samples for the purpose of conducting treatability studies, as defined in 35 Ill. Adm. Code 720.110, are not subject to any requirement of 35 Ill. Adm. Code 721 through 723 or to the notification requirements of Section 3010 of the Resource Conservation and Recovery Act. Nor are such samples included in the quantity determinations of Section 721.105 and 35 Ill. Adm. Code 722.134(d) when:

- A) The sample is being collected and prepared for transportation by the generator or sample collector; or
- B) The sample is being accumulated or stored by the generator or sample collector prior to transportation to a laboratory or testing facility; or
- C) The sample is being transported to the laboratory or testing facility for the purpose of conducting a treatability study.

- 2) The exemption in subsection (e)(1) above is applicable to samples of hazardous waste being collected and shipped for the purpose of conducting treatability studies provided that:

- A) The generator or sample collector uses (in "treatability studies") no more than 10,000 kg of media contaminated with non-acute hazardous waste, 1000 kg of non-acute hazardous waste other than contaminated media, 1 kg of acute hazardous waste, or 2500 kg of media contaminated with acute hazardous waste for each process being evaluated for each generated wastestream; and

- B) The mass of each shipment does not exceed 10,000 kg; the 10,000 kg quantity may be all media contaminated with non-acute hazardous waste, or may include 2500 kg of media contaminated with acute hazardous waste, 1000 kg of hazardous waste, and 1 kg of acute hazardous waste; and

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- C) The sample must be packaged so that it does not leak, spill, or vaporize from its packaging during shipment and the requirements of subsections (e)(2)(C)(i) or (e)(2)(C)(ii), below, are met.
- i) The transportation of each sample shipment complies with U.S. Department of Transportation (DOT), U.S. Postal Service (USPS), or any other applicable shipping requirements; or
 - ii) If the DOT, USPS, or other shipping requirements do not apply to the shipment of the sample, the following information must accompany the sample: The name, mailing address, and telephone number of the originator of the sample; the name, address, and telephone number of the facility that will perform the treatability study; the quantity of the sample; the date of the shipment; and, a description of the sample, including its U.S. EPA hazardous waste number; and
- D) The sample is shipped to a laboratory or testing facility that is exempt under subsection (f) below, or has an appropriate RCRA permit or interim status; i and
- E) The generator or sample collector maintains the following records for a period ending 3 three years after completion of the treatability study:
- i) Copies of the shipping documents;
 - ii) A copy of the contract with the facility conducting the treatability study;
 - iii) Documentation showing: The amount of waste shipped under this exemption; the name, address, and U.S. EPA identification number of the laboratory or testing facility that received the waste; the date the shipment was made; and, whether or not unused samples and residues were returned to the generator; i and
- F) The generator reports the information required in subsection (e)(2)(E)(iii) above in its report under 35 Ill. Adm. Code 722.141.
- 3) The Agency may grant requests on a case-by-case basis for up to an additional two years for treatability studies involving bioremediation. The Agency may grant requests, on a case-by-case basis, for quantity limits in excess of those specified in subsection (e)(2)(A) and (e)(2)(B) above and (f)(4) below, for up to an additional 5000 kg of media contaminated with non-acute hazardous waste, 500 kg of non-acute hazardous waste, 2500 kg of media contaminated with acute hazardous waste, and 1 kg of acute hazardous waste:
- A) In response to requests for authorization to ship, store, and conduct further treatability studies in advance of commencing treatability studies. Factors to be considered in reviewing such requests include the nature of the

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- technology, the type of process (e.g., batch versus continuous), the size of the unit undergoing testing (particularly in relation to scale-up considerations), the time or quantity of material required to reach steady-state operating conditions, or test design considerations, such as mass balance calculations.
- B) In response to requests for authorization to ship, store, and conduct treatability studies on additional quantities after initiation or completion of initial treatability studies when: There has been an equipment or mechanical failure during the conduct of the treatability study; i there is need to verify the results of a previously-conducted treatability study; i there is a need to study and analyze alternative techniques within a previously-evaluated treatment process; i or there is a need to do further evaluation of an ongoing treatability study to determine final specifications for treatment.
 - C) The additional quantities allowed and timeframes allowed in subsections (e)(3)(A) and (e)(3)(B) above are subject to all the provisions in subsections (e)(1) and (e)(2)(B) through (e)(2)(F) above. The generator or sample collector shall apply to the Agency and provide in writing the following information:
 - i) The reason why the generator or sample collector requires additional time or quantity of sample for the treatability study evaluation and the additional time or quantity needed;
 - ii) Documentation accounting for all samples of hazardous waste from the wastestream that have been sent for or undergone treatability studies, including the date each previous sample from the waste stream was shipped, the quantity of each previous shipment, the laboratory or testing facility to which it was shipped, what treatability study processes were conducted on each sample shipped, and the available results of each treatability study;
 - iii) A description of the technical modifications or change in specifications that will be evaluated and the expected results;
 - iv) If such further study is being required due to equipment or mechanical failure, the applicant shall include information regarding the reason for the failure or breakdown and also include what procedures or equipment improvements have been made to protect against further breakdowns; and
 - v) Such other information as the Agency determines is necessary.
 - 4) Final Agency determinations pursuant to this subsection may be

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appealed to the Board.

- f) Samples undergoing treatability studies at laboratories or testing facilities. Samples undergoing treatability studies and the laboratory or testing facility conducting such treatability studies (to the extent such facilities are not otherwise subject to RCRA requirements) are not subject to any requirement of this Part, or of 35 Ill. Adm. Code 702, 703, 705, 722 through 726, and 728, or to the notification requirements of Section 3010 of the Resource Conservation and Recovery Act, provided that the requirements of subsections (f)(1) through (f)(11) below are met. A mobile treatment unit may qualify as a testing facility subject to subsections (f)(1) through (f)(11) below. Where a group of mobile treatment units are located at the same site, the limitations specified in subsections (f)(1) through (f)(11) below apply to the entire group of mobile treatment units collectively as if the group were one mobile treatment unit.

- 1) No less than 45 days before conducting treatability studies, the facility notifies the Agency in writing that it intends to conduct treatability studies under this subsection.
- 2) The laboratory or testing facility conducting the treatability study has a U.S. EPA identification number.
- 3) No more than a total of 10,000 kg of "as received" media contaminated with non-acute hazardous waste, 2500 kg of media contaminated with acute hazardous waste, or 250 kg of other "as received" hazardous waste is subject to initiation of treatment in all treatability studies in any single day. "As received" waste refers to the waste as received in the shipment from the generator or sample collector.
- 4) The quantity of "as received" hazardous waste stored at the facility for the purpose of evaluation in treatability studies does not exceed 10,000 kg, the total of which can include 10,000 kg of media contaminated with non-acute hazardous waste, 2500 kg of media contaminated with acute hazardous waste, 1000 kg of non-acute hazardous wastes other than contaminated media, and 1 kg of acute hazardous waste. This quantity limitation does not include treatment materials (including nonhazardous solid waste) added to "as received" hazardous waste.
- 5) No more than 90 days have elapsed since the treatability study for the sample was completed, or no more than one year (two years for treatability studies involving bioremediation) has elapsed since the generator or sample collector shipped the sample to the laboratory or testing facility, whichever date first occurs. Up to 500 kg of treated material from a particular waste stream from treatability studies may be archived for future evaluation up to five years from the date of initial receipt. Quantities of materials archived are counted against the total storage limit for the facility.
- 6) The treatability study does not involve the placement of hazardous waste on the land or open burning of hazardous waste.

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- 7) The facility maintains records 3 three years following completion of each study that show compliance with the treatment rate limits and the storage time and quantity limits. The following specific information must be included for each treatability study conducted:

- A) The name, address, and U.S. EPA identification number of the generator or sample collector of each waste sample;
 - B) The date the shipment was received;
 - C) The quantity of waste accepted;
 - D) The quantity of "as received" waste in storage each day;
 - E) The date the treatment study was initiated and the amount of "as received" waste introduced to treatment each day;
 - F) The date the treatability study was concluded;
 - G) The date any unused sample or residues generated from the treatability study were returned to the generator or sample collector or, if sent to a designated facility, the name of the facility and the U.S. EPA identification number.
- 8) The facility keeps, on-site, a copy of the treatability study contract and all shipping papers associated with the transport of treatability study samples to and from the facility for a period ending 3 three years from the completion date of each treatability study.
- 9) The facility prepares and submits a report to the Agency by March 15 of each year that estimates the number of studies and the amount of waste expected to be used in treatability studies during the current year, and includes the following information for the previous calendar year:
- A) The name, address, and U.S. EPA identification number of the facility conducting the treatability studies;
 - B) The types (by process) of treatability studies conducted;
 - C) The names and addresses of persons for whom studies have been conducted (including their U.S. EPA identification numbers);
 - D) The total quantity of waste in storage each day;
 - E) The quantity and types of waste subjected to treatability studies;
 - F) When each treatability study was conducted; and
 - G) The final disposition of residues and unused sample from each treatability study.
- 10) The facility determines whether any unused sample or residues generated by the treatability study are hazardous waste under Section 721.103 and, if so, are subject to 35 Ill. Adm. Code 702, 703, and 721 through 728, unless the residues and unused samples are returned to the sample originator under the subsection (e) exemption above.
- 11) The facility notifies the Agency by letter when the facility is no longer planning to conduct any treatability studies at the site.

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(Source: Amended at 19 Ill. Reg. **95224**, effective **JUN 27 1995**)

Section 721.106 Requirements for Recyclable Materials

a) Recyclable materials:

1) Hazardous wastes that are recycled are subject to the requirements for generators, transporters, and storage facilities of subsections (b) and (c) below, except for the materials listed in subsections (a)(2) and (a)(3) below. Hazardous wastes that are recycled will be known as "recyclable materials".

2) The following recyclable materials are not subject to the requirements of this Section but are regulated under 35 Ill. Adm. Code 726.Subparts C through H and all applicable provisions in 35 Ill. Adm. Code 702, 703, and 705.

A) Recyclable materials used in a manner constituting disposal (35 Ill. Adm. Code 726.Subpart C);

B) Hazardous wastes burned for energy recovery in boilers and industrial furnaces that are not regulated under 35 Ill. Adm. Code 724.Subpart O or 725.Subpart O (35 Ill. Adm. Code 726.Subpart H-1);

C) Recyclable materials from which precious metals are reclaimed (35 Ill. Adm. Code 726.Subpart F);

D) Spent lead-acid batteries that are being reclaimed (35 Ill. Adm. Code 726.Subpart G).

3) The following recyclable materials are not subject to regulation under 35 Ill. Adm. Code 722 through 726, 728, or 702, 703, or 705 and are not subject to the notification requirements of Section 3010 of the Resource Conservation and Recovery Act:

A) Industrial ethyl alcohol that is reclaimed except that, unless provided otherwise in an international agreement as specified in 35 Ill. Adm. Code 722.158:

i) A person initiating a shipment for reclamation in a foreign country, and any intermediary arranging for the shipment, shall comply with the requirements applicable to a primary exporter in 35 Ill. Adm. Code 722.153, 722.156(a)(1) through (a)(4), (a)(6), and (b)(7); and 722.157; shall export such materials only upon consent of the receiving country and in conformance with the U.S. EPA Acknowledgment of Consent, as defined in 35 Ill. Adm. Code 722.Subpart E; and shall provide a copy of the U.S. EPA Acknowledgment of Consent to the shipment to the transporter transporting the shipment for export;

ii) Transporters transporting a shipment for export shall not accept a shipment if the transporter knows that the shipment does not conform to the U.S. EPA Acknowledgment of Consent, shall ensure that a copy of

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the U.S. EPA Acknowledgment of Consent accompanies the shipment, and shall ensure that it is delivered to the facility designated by the person initiating the shipment.

B) Used batteries (or used battery cells) returned to a battery manufacturer for regeneration;

C) Scrap metal;

D) Fuels produced from the refining of oil-bearing hazardous wastes along with normal process streams at a petroleum refining facility if such wastes result from normal petroleum refining, production, and transportation practices (this exemption does not apply to fuels produced from oil recovered from oil-bearing hazardous waste where such recovered oil is already excluded under Section 721.104(a)(12));

E) Oil reclaimed from oil-bearing hazardous waste resulting from normal petroleum refining, production and transportation practices, which oil is to be refined along with normal process streams at a petroleum refining facility;

F) Petroleum refining wastes.

i) Hazardous waste fuel produced from oil-bearing hazardous wastes from petroleum refining, production, or transportation practices, or produced from oil reclaimed from such hazardous wastes, where such hazardous wastes are reintroduced into a process that does not use distillation or does not produce products from crude oil, so long as the resulting fuel meets the used oil specification under 35 Ill. Adm. Code 726.140(e) and so long as no other hazardous wastes are used to produce the hazardous waste fuel;

ii) Hazardous waste fuel produced from oil-bearing hazardous waste from petroleum refining, production, and transportation practices, where such hazardous wastes are reintroduced into a refining process after a point at which contaminants are removed, so long as the fuel meets the used oil fuel specification under 35 Ill. Adm. Code 726.140(e); and

iii) Oil reclaimed from oil-bearing hazardous wastes from petroleum refining, production, and transportation practices, which reclaimed oil is burned as a fuel without reintroduction to a refining process, so long as the reclaimed oil meets the used oil fuel specification under 35 Ill. Adm. Code 726.140(e); and

G) Petroleum coke produced from petroleum refinery hazardous wastes containing oil at the same facility at which such by the same person that generated the wastes were generated, unless the resulting coke product exceeds one or more of the characteristics of hazardous waste in 721.Subpart C B-of

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4) Used oil that is recycled and is also a hazardous waste solely because it exhibits a hazardous characteristic is not subject to the requirements of 35 Ill. Adm. Code 720 through 728, but it is regulated under 35 Ill. Adm. Code 739. Used oil that is recycled includes any used oil which that is reused for any purpose following its original use--for--any--purpose (including the purpose for which the oil was originally used). Such term includes, but is not limited to, oil which that is re-refined, reclaimed, burned for energy recovery, or reprocessed.

b) Generators and transporters of recyclable materials are subject to the applicable requirements of 35 Ill. Adm. Code 722 and 723 and the notification requirements under Section 3010 of the Resource Conservation and Recovery Act, except as provided in subsection (a) above.

c) Storage and recycling:

1) Owners or operators of facilities that store recyclable materials before they are recycled are regulated under all applicable provisions of 35 Ill. Adm. Code 702, 703, and 705; 724.Subparts A through L, AA₁ and BB₁; and 725.Subparts A through L, AA₁ and BB₁; 726.72 728.72 702.77-703-and-705 and the notification requirement under Section 3010 of the Resource Conservation and Recovery Act, except as provided in subsection (a) above. (The recycling process itself is exempt from regulation, except as provided in subsection (d) below.)

2) Owners or operators of facilities that recycle recyclable materials without storing them before they are recycled are subject to the following requirements, except as provided in subsection (a) above:

A) Notification requirements under Section 3010 of the Resource Conservation and Recovery Act.

B) 35 Ill. Adm. Code 725.171 and 725.172 (dealing with the use of the manifest and manifest discrepancies), and

C) Subsection (d) below.

d) Owners or operators of facilities required to have a RCRA permit pursuant to 35 Ill. Adm. Code 703 with hazardous waste management units which that recycle hazardous wastes are subject to 35 Ill. Adm. Code 724.SubpartSubparts AA and BB and 725.SubpartSubparts AA and BB.

(Source: JUN 27 1995 at 19 Ill. Reg. 9522, effective

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ltmri0=0,0;il=5,9;i2=10,14;i3=15,19;i4=20,24;i5=25,29

Section 721.APPENDIX I Wastes Excluded under Section 720-120 and 720-122 by Administrative Action

Section 721.TABLE A Wastes Excluded by U.S. EPA under 40 CFR 260.20 and 260.22 from From Non-specific Sources

Facility Address	Waste Description
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Envirite-----Corp.
Harvey, Illinois

De-watered-wastewater-sludges-(EPA-Hazardous-Waste--No-
P006)-generated--from-electroplating-operations--spent
cyanide-plating--solutions--(EPA-Hazardous-Waste--No-
P007)-generated--from-electroplating-operations--plating
bath--residues--from--the--bottom-of-plating-baths-(EPA
Hazardous-Waste--No-P008)-generated--from--the--bottom--of
plating--baths-(EPA-Hazardous-Waste--No-P009)-generated
from-electroplating-operations--where--cyanides--are--used
in--the--process--spent--stripping--and--cleaning--bath
solutions-(EPA-Hazardous-Waste--No-P009)-generated--from
electroplating-operations--where--cyanides--are--used--in
the--process--spent--cyanide--solutions--from--salt--bath--pot
cleaning--(EPA-Hazardous-Waste--No-P011)-generated--from
metal-heat-treating--operations--quenching--wastewater
treatment--sludges--(EPA-Hazardous-Waste--No-P011)
used--in--the--process--wastewater-treatment-sludges-(EPA
Hazardous-Waste--No-P019)-generated--from--the--chemical
conversion--coating--of--aluminum--after--November--14--1986
to--ensure--that--hazardous--constituents--are--not--present
in--the--waste--at--levels--of--regulatory--concern--the
facility--must--implement--a--contingency--testing--program
for--the--petitioned--wastes--this--testing--program--must
meet--the--following--conditions--for--the--exclusions--to--be
valid:

1) Each batch--of--treatment--residue--must--be
representatively--sampled--and--tested--using--the--pp
toxicity--test--for--arsenic--barium--cadmium--
chromium--lead--selenium--silver--mercury--and
nickel--if--the--extract--concentrations--for
chromium--lead--arsenic--and--silver--exceed--315
ppm--barium--levels--exceed--6.3--ppm--cadmium--and
selenium--exceed--0.063--ppm--mercury--exceed--0.016
ppm--of--nickel--levels--exceed--2-205--ppm--the--waste
must--be--re-treated--or--managed--and--disposed--as--a

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hazardous waste under 35-111-Adm. Code 722-to-725 and the permitting standards of 35-111-Adm. Code 7037-7037 and 7057.

2) Each batch of treatment residue must be tested for reactive and leachable cyanide if the reactive cyanide levels exceed 250 ppm or leachable cyanide levels (using the BP toxicity test without acetate adjustment) exceed 126 ppm; the waste must be recreated or managed and disposed as a hazardous waste under 35-111-Adm. Code 722-to-725 and the permitting standards of 35-111-Adm. Code 7037-7037 and 7057.

3) Each batch of waste must be tested for the total content of specific organic toxicants if the total content of anthracene exceeds 76.8 ppm; 1,2-diphenylhydrazine exceeds 0.001 ppm; methylene chloride exceeds 0.10 ppm; methyl ethyl ketone exceeds 326 ppm; n-nitrosodiphenylamine exceeds 11.9 ppm; phenol exceeds 1566 ppm; tetrachloroethylene exceeds 0.108 ppm; or trichloroethylene exceeds 0.592 ppm; the waste must be managed and disposed as a hazardous waste under 35-111-Adm. Code 722-to-725 and the permitting standards of 35-111-Adm. Code 7037-7037 and 7057.

4) A grab sample must be collected from each batch to form one monthly composite sample which must be tested using gas chromatography-mass spectrometry analysis for the compounds listed in Nor-3 above as well as the remaining organics on the priority Pollutant List (incorporated by reference see 40 epx-423 App-A-1983) as adopted at 47-Ped-Reg-52-309 (Nov-19-1983) not including later amendments.

5) The data from conditions 1-4 must be kept on file at the facility for inspection purposes and must be completed, summarized and submitted to the Administrator of USBA by certified mail semi-annually. The USBA will review this information and if needed will propose to modify or withdraw the excursions. Should USBA propose to modify or withdraw the excursions, Enviro-te shall promptly provide notice thereof to the Board. The decision to conditionally exclude the treatment residue generated from the wastewater

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treatment systems at Envirite's Harvey, Illinois facility applies only to the wastewater and solids treatment systems as they presently exist as described in the delisting petition submitted to the USBA. The excursions does not apply to the proposed process additions described in the petition submitted to USBA as recovery including crystallization, electrolytic metals recovery, evaporative recovery and ion exchange.

(Source: Amended at 19 Ill. Reg. 95224, effective JUN 27 1995)

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Section 721. TABLE B Wastes Excluded by U.S. EPA under 40 CFR 260.20 and 260.22 from Non-specific Sources

Facility Address	Waste Description
Amoco Oil Company Wood River, Illinois	150 million gallons of DAF float from petroleum refining contained in four surge ponds after treatment with the Chemfix stabilization process. This waste contains U.S. EPA hazardous waste number K048. This exclusion applies to the 150 million gallons of waste after chemical stabilization as long as the mixing ratios of the reagent with the waste are monitored continuously and do not vary outside of the limits presented in the demonstration samples, and one grab sample is taken each hour from each treatment unit, composited, and EP toxicity tests performed on each sample. If the levels of lead or total chromium exceed 0.5 ppm in the EP extract, then the waste that was processed during the compositing period is considered hazardous; the treatment residue shall be pumped into bermed cells to ensure that the waste is identifiable in the event that removal is necessary.
Envirotec-----Corporation Harvey, Illinois	Spent pickle liquor--(BPA--Hazardous--Waste--No--K062) generated from steel finishing operations of facilities within the iron and steel industry--(SIC--Codes--331--and--332)--wastewater treatment sludge--(BPA--Hazardous--Waste--No--K062)--generated from the production of chrome yellow and orange pigments; wastewater treatment sludge--(BPA--Hazardous--Waste--No--K062)--generated from the production of chrome green pigments; wastewater treatment sludge--(BPA--Hazardous--Waste--No--K062)--generated from the production of chrome oxide--green pigments--(anhydrous--and--hydrated); wastewater treatment sludge--(BPA--Hazardous--Waste--No--K062)--generated from the production of iron blue pigments; oven residues--(BPA--Hazardous--Waste--No--K062)--generated from the production of chrome oxide--green pigments--after November 14, 1986--to ensure that hazardous constituents are not present in the waste at levels of regulatory concern--the facility must implement a contingency testing program--for--the

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petitioned--wastes--this testing program must meet the following conditions for the exceptions to be valid:

- 1) Each batch of treatment residue must be tested--representatively--sampled--and--tested--using--the--EP--toxicity--test--for--arsenic--barium--cadmium--chromium--lead--mercury--silver--selenium--and--nickel--if--the--extract--concentrations--for--chromium--lead--arsenic--and--silver--exceed--0.315--ppm--barium--levels--exceed--0.3--ppm--cadmium--and--selenium--exceed--0.063--ppm--or--nickel--levels--exceed--2.295--ppm--the waste must be re-treated or managed and disposed as a hazardous waste under 35--Ill--Adm--Code--722--to--725--and--the--permitting--standards--of--35--Ill--Adm--Code--702, 703, and 705.
- 2) Each batch of treatment residue must be tested for reactive and leachable cyanide--if--the--reactive--cyanide--levels--exceed--250--ppm--or--leachable--cyanide--levels--exceed--the--EP--toxicity--test--without--acetic--acid--adjustment--exceed--1.26--ppm--the waste must be re-treated or managed and disposed as a hazardous waste under 35--Ill--Adm--Code--722--to--725--and--the--permitting--standards--of--35--Ill--Adm--Code--702, 703, and 705.
- 3) Each batch of waste must be tested for the total content of specific organic toxicants--if--the--total--content--of--anthracene--exceeds--7.0--ppm--1,2-diphenyl--hydrazine--exceeds--0.001--ppm--methylene--chloride--exceeds--10--ppm--methyl--ketone--exceeds--326--ppm--n-nitrosodiphenylamine--exceeds--11.9--ppm--phenol--exceeds--1756--ppm--or--tetrachloroethylene--exceeds--0.10--ppm--or--trichloroethylene--exceeds--0.593--ppm--the waste must be managed and disposed as a hazardous waste under 35--Ill--Adm--Code--722--to--725--and--the--permitting--standards--of--35--Ill--Adm--Code--702, 703, and 705.
- 4) A grab sample must be collected from each batch to form one monthly composite sample which must be tested using gas chromatography, mass spectrometry, analysis for the compounds listed in No. 3 above as well as the remaining organics on the list. Potassium dichromate incorporated by reference see 40 CFR 423. App. A (1993) as adopted at 4--Ill--Reg. 527.009--(Nov--19--1982)--no--including--later

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amendments:

- 5+ ~~The data from conditions 1-4 must be kept on file at the facility for inspection purposes and must be compiled, summarized, and submitted to the USEPA Administrator by the certified mail sent annually. The USEPA will review this information and if needed will propose to modify or withdraw the exclusion. Envisite shall promptly provide notice thereof to the Board. The decision to conditionally exclude the treatment residue generated from the wastewater treatment systems at Envisite's Harvey, Illinois facility applies only to the wastewater and solids treatment systems as they presently exist as described in the delisting petition submitted to the USEPA. The exclusion does not apply to the proposed process additions described in the petition submitted to USEPA as recovery including electrolytic metals recovery, evaporative recovery, and ion exchange.~~

USX Steel Corporation
Chicago, Illinois

Full-cured chemically stabilized electric arc furnace dust/sludge (CSEAFD) treatment residue (U.S. EPA Hazardous hazardous waste waste No. number K061) generated from the primary production of steel after April 29, 1991. This exclusion (for 35,000 tons of CSEAFD per year) is conditioned upon on the data obtained from USX's full-scale CSEAFD treatment facility. To ensure that hazardous constituents are not present in the waste at levels of regulatory concern once the full-scale treatment facility is in operation, USX shall implement a testing program for the petitioned waste. This testing program must meet the following conditions for the exclusion to be valid:

1. Testing: Sample collection and analyses (including quality control (QC) procedures) must be performed according to SW-846 methodologies SW-846-15, incorporated by reference in 35 Ill. Adm. Code 720.111.

A. Initial Testing: During the first four weeks of operation of the full scale treatment system, USX shall collect representative grab samples of each treated batch of the CSEAFD and composite the grab samples daily. The

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daily composites, prior to disposal, must be analyzed for the EP leachate concentrations of all the EP toxic metals, nickel and cyanide (using distilled water in the cyanide extractions), and the total concentrations of reactive sulfide and reactive cyanide. USX shall report the analytical test data, including quality control information, obtained during this initial period no later than 90 days after the treatment of the first full-scale batch.

- B. Subsequent Testing: USX shall collect representative grab samples from every treated batch of CSEAFD generated daily and composite all of the grab samples to produce a weekly composite sample. USX then shall analyze each weekly composite sample for all of the EP toxic metals and nickel. The analytical data, including quality control information, must be compiled and maintained on site for a minimum of three years. These data must be furnished upon request and made available for inspection by any employee or representative of U.S. EPA or the Agency.

2. Delisting levels: If the EP extract concentrations for chromium, lead, arsenic, or silver exceed 0.315 mg/l; ~~for~~ barium exceeds 6.3 mg/l; ~~for~~ cadmium or selenium exceed 0.063 mg/l; ~~for~~ mercury exceeds 0.0126 mg/l; ~~for~~ nickel exceeds 3.15 mg/l; or ~~for~~ cyanide exceeds 4.42 mg/l; or total reactive cyanide or total reactive sulfide levels exceed 250 mg/kg and 500 mg/kg, respectively, the waste must either be re-treated until it meets these levels or managed and disposed of in accordance with Subpart C of the Resource Conservation and Recovery Act (42 U.S.C. 5901 et seq.).

3. Data submittal to and enforcement by U.S. EPA: Within one week of system start-up USX shall notify the Section Chief, Delisting Section (see address below) when its full-scale stabilization system is on-line and waste treatment has begun. The data obtained through condition (1)(A) shall be submitted to the Section Chief, Delisting Section, CAD/OSW (OS-333), U.S. EPA, 401 M Street,

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S.W., Washington, DC 20460 within the time period specified. At the U.S. EPA's request, USX must submit any other analytical data obtained through conditions (1)(A) or (1)(B) within the time period specified by the Section Chief. Failure to submit the required data obtained from conditions (1)(A) or (1)(B) within the specified time period or maintain the required records for the specified time will be considered by U.S. EPA, at its decision, sufficient basis to revoke USX's federal exclusion to the extent directed by U.S. EPA. All data must be accompanied by the following certification statement: "Under civil and criminal penalty of law for the making or submission of false or fraudulent statements or representations (pursuant to the applicable provisions of the Federal Code which include, but may not be limited to, 18 U.S.C. Section 6928), I certify that the information contained in or accompanying this document is true, accurate and complete. As to the (those) identified section(s) of this document for which I cannot personally verify its (their) truth and accuracy, I certify as the company official having supervisory responsibility for my direct instructions, made the verification that this information is true, accurate and complete."

1. Data Submittal to Agency: The data obtained through condition (1)(A) must be submitted to the Illinois Environmental Protection Agency, Planning and Reporting Section, 2200 Churchill Road, P.O. Box 19276, Springfield, IL 62794-9276 within the time period specified. At Agency's request, USX must submit any other analytical data obtained through conditions (1)(A) or (1)(B) within the time period specified by the Agency. All data

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must be accompanied by the following certification statement: "Under civil and criminal penalty of law for the making or submission of false or fraudulent statements or representations (pursuant to the applicable provisions of Illinois' Environmental Protection Act), I certify that the information contained in or accompanying this document is true, accurate and complete. As to the (those) identified section(s) of this document for which I cannot personally verify its (their) truth and accuracy, I certify as the company official having supervisory responsibility for the persons who, acting under my direct instructions, made the verification that this information is true, accurate and complete."

5. Enforcement by the Agency: Whenever the Agency finds that USX has violated the standards in this exclusion, has failed to submit the required data obtained from conditions (1)(A) or (1)(B) within the specified time period, has failed to maintain the required records for the specified time or has submitted false, inaccurate or incomplete data, the Agency may take such action as is allowed by Title VIII of the Act.

6. Notification to the Board: Upon modification, termination, revocation, or other alteration of this exemption by U.S. EPA, USX shall file a petition, pursuant to Part 102, with this Board requesting that the Board follow the U.S. EPA action.

(Source: Amended at 19 Ill. Reg. 9522¹, effective JUN 27 1995)

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Section 721.TABLE C Wastes Excluded by U.S. EPA under 40 CFR 260.20 and 260.22
from ~~From~~ Commercial Chemical Products, Off-Specification Species, Container
Residues, and Soil Residues Thereof

Facility Address	Waste Description
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(Source: Amended at 19 Ill. Reg. 95221, effective
JUN 27 1995)

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Section 721.TABLE D Wastes Excluded by the Board by Adjusted Standard

The Board has entered the following orders on petitions for adjusted standards
for delisting, pursuant to 35 Ill. Adm. Code 720.122.

AS91-1 Petition of Keystone Steel and Wire Co. for Hazardous
Waste Delisting, February 6, 1992, and modified at 133 PCB
189, April 23, 1992. (treated K061 waste)

AS91-3 Petition of Peoria Disposal Co. for an Adjusted Standard
from 35 Ill. Adm. Code 721.Subpart D, February 6 and March
11, 1993. (treated F006 waste)

AS93-7 Petition of Keystone Steel & Wire Co. for an Adjusted
Standard from 35 Ill. Adm. Code 721.Subpart D, February
17, 1994, as modified March 17, 1994. (treated K062 waste)

(Source: Amended at 19 Ill. Reg. 95221, effective
JUN 27 1995)

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- 1) Heading of the Part: Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities

- 2) Code citation: 35 Ill. Adm. Code 725

- 3) Section numbers: Adopted action:

725.101, 725.113, 725.114 Amended
 725.115, 725.117, 725.150 Amended
 725.156, 725.171, 725.173 Amended
 725.177, 725.192, 725.194 Amended
 725.271, 725.272, 725.274 Amended
 725.278 New Section
 725.301 Amended
 725.302 Added
 725.325 Amended
 725.331 New Section
 725.352, 725.378, 725.477 Amended
 725.501, 725.502, 725.503 Amended
 725.504, 725.505, 725.506 Amended
 725.933, 725.963 Amended
 725.980, 725.981, 725.982 New Section
 725.983, 725.984, 725.985 New Section
 725.986, 725.987, 725.988 New Section
 725.989, 725.990, 725.991 New Section
 725.1102 Amended

- 4) Statutory authority: 415 ILCS 5/13(c), 22.4 and 27.

- 5) Effective date of amendments: June 27, 1995

- 6) Does this rulemaking contain an automatic repeal date?: No.

- 7) Do these amendments contain incorporations by reference? Yes. 35 Ill. Adm Code 720.111 is the centralized listing of all documents incorporated by reference for the purposes of the Illinois UIC and RCRA Subtitle C programs (35 Ill. Adm. Code 702 through 705, 720 through 726, 728, 730, 738 & 739). The present amendments included revisions to the references in that Section. Most of the amendments involve updates to analytical methods.

- 8) Date filed in Board's principal office: Opinion and order adopted June 1, 1995 and supplemental opinion and order adopted June 15, 1995.

- 9) Notice of proposal published in Illinois Register: March 24, 1995, 19 Ill. Reg. 3833

- 10) Has JCAR issued a Statement of Objections to these rules? No.

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Sections 13(c) and 22.4(a) of the Environmental Protection Act (415 ILCS 5/13(c) & 22.4(a)) provide that Section 5 of the Administrative Procedure Act (5 ILCS 100/5-35 and 5-40) shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR. However, JCAR staff has reviewed the text of the amendments and recommended several minor revisions, as indicated in the table under question 11.

- 11) Differences between proposal and final version: The Board has made many revisions to the text of the amendments, most of which were in response to public comments. The revisions are tabulated in summary fashion below. The source of the revisions to each segment of the amendments is indicated by the notations, where (A) denotes the Illinois EPA (Agency), (B) denotes the Board, (C) denotes a commentator, (J) denotes JCAR, (S) denotes the Secretary of State, and (U) denotes U.S. EPA.

Section (Source)	Board Action
725.101(c)(10) (U)	Change "corrosive (D002)" to "reactive (D003)"
725.113(a)(2) Board Note (J)	Delete comma from cross-reference
725.115 Source Note (S,J)	Add source note
725.117(a) (J)	change colon to comma, add comma after "e.g."
725.156(d)(2) (J,B)	correct CFR cite format
725.173(b)(6) (J)	Correct punctuation of series
725.173(b)(11) (J)	Restore omitted base text, delete "and"
725.173(b)(12) (J)	Correct end punctuation
725.173 Source Note (J,S)	Add source note
725.301(b)(3) (J)	Add comma after "e.g."
725.301(b)(4) Board Note (J)	Correct end punctuation
725.302 Source Note (B)	Change designation of action

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- 725.933(e) (S) Add subsection heading
- 725.963(d)(1) (J) Correct ASTM cite format
- 725.980(a) & Board Add language relating to delayed effective
Note, (b)(1) & (c) date and possible federal future action,
(B,C,S) correct cross-reference to "725.101"
- 725.981 "no detectable organic emissions" (J) Correct CFR cite format
- 725.981 "point of waste origin" Board Note (J) Replace CFR cite with "35 Ill. Adm. Code 721"
- 725.982(a), (a)(1), Add language relating to delayed effective
(a)(2), (a)(2)(C) & date
(a)(2)(D) (B,C)
- 725.984(a)(5)(D)(iii), Correct CFR cites format
(a)(6)(D),
(b)(4)(D)(iii),
(b)(7)(A), (b)(10)(C) &
(c)(3)(B)(iv) (J,B)
- 725.984(b)(4)(D) (J) Add "to" to opening phrase
- 725.984(b)(4)(D)(iv) Correct cross reference to "subsection
(U) (b)(4)(D)(iii)"
- 725.984(c)(3)(B)(iv) Correct cross-reference to "720.111"
(J)
- 725.986(e)(3) (J) Correct end punctuation
- 725.987(b)(1)(A), Correct CFR cite format
(b)(1)(B),
(b)(1)(B)(i),
(b)(1)(B)(ii) &
(b)(1)(C) (J,B)
- 725.989(a)(3) (J) Correct cross-reference to "725.987(b)(1)(B)
or (b)(1)(C)"
- 725.989(b)(2) (J) Add comma after "e.g."
- 725.989(f)(4)(A) (J,B) Correct CFR cite format

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- 725.990(a)(1) & (a)(11) Correct cross references to "Section
(J) 985(b)(2) or (b)(3)"
- 725.984(e) (J) Correct cross reference to "Section
725.983(c)(2)(E) or (c)(2)(F)"
- 725.990(h) (J) Correct CFR cite format, capitalize
"Sections"
- 725.991(b)(2)(G)(ii) Correct cross reference to "subsection
(J) (b)(2)(G)"
- 12) Have all the changes agreed upon by the Board and JCAR been made as
indicated in the agreement letter issued by JCAR? Sections 13(c) and
22.4(a) of the Environmental Protection Act provide that Section 5 of the
Administrative Procedure Act shall not apply. Because this rulemaking is
not subject to Section 5 of the APA, it is not subject to first notice or
to second notice review by JCAR.
- 13) Will these amendments replace emergency amendments currently in effect?
No.
- 14) Are there any other amendments pending on this Part? No.
- 15) Summary and purpose of amendments: A more detailed description is
contained in the Board's opinion and order of June 1, 1995 and
supplemental opinion and order of June 15, 1995 in R95-4/R95-6, which
opinion and order and supplemental opinion and order are available from
the address below. Sections 13(c) and 22.4 of the Environmental
Protection Act provide that Section 5 of the Administrative Procedure Act
shall not apply. Because this rulemaking is not subject to Section 5 of
the APA, it is not subject to First Notice or to Second Notice review by
JCAR.
- This rulemaking updates the Board's RCRA Subtitle C and UIC rules to
correspond with amendments adopted by U.S. EPA that appeared in the
Federal Register during the period July 1 through December 31, 1994 and
January 3 and May 19, 1995. The USEPA actions during this period were as
follows:
- Federal Action Summary
- 59 Fed. Reg. 38536, Exclusion from definition of solid waste
July 28, 1994 for certain in-process recycled secondary
materials used by the petroleum refining
industry

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59 Fed. Reg. 43496, August 24, 1994
Withdrawal of exemption from Subtitle C regulation of slag residues from high temperature metal recovery (HTMR) of electric arc furnace dust (R061), steel finishing pickle liquor (R062), and electroplating sludges (F006) that are used in a manner constituting disposal

59 Fed. Reg. 47980, September 19, 1994
Restoration of text from 40 CFR 268.7(a) inadvertently omitted in the amendments of August 31, 1993, at 58 Fed. Reg. 46040

59 Fed. Reg. 47982, September 19, 1994
Phase II land disposal restrictions (LDRs): universal treatment standards for organic toxicity wastes and newly-listed wastes (including underground injection control (UIC) amendments)

59 Fed. Reg. 62896, December 6, 1994
Organic material air emission standards for tanks, surface impoundments, and containers (Subpart CC rules)

In addition to these principal amendments that occurred during the update period, the Board included two additional, later actions:

60 Fed. Reg. 242, January 3, 1995
Corrections to the Phase II land disposal restrictions (universal treatment standards)

60 Fed. Reg. 26828, May 19, 1995
Delayed effective date for Subpart CC rules

The January 3 action was an amendment of the September 19, 1994 Phase II LDRs (universal waste rule). U.S. EPA corrected errors and clarified language in the universal treatment standards. The Board did not delay in adding these amendments for three reasons:

- 1) The January 3, 1995 amendments were corrections and clarifications of the September 19, 1994 regulations, and not new substantive amendments;
- 2) Prompt action on the January 3, 1995 amendments will facilitate implementation of the Phase II LDRs; and
- 3) The Board received a request from the regulated community that we add the January 3, 1995 amendments to those of September 19, 1994. (See "Expedited Consideration" below.)

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The Board also notes that the January 3 amendments occurred within six months of the earliest amendments included in this docket, even if they occurred outside the nominal time-frame of the docket. We included the May 19 amendments because they solely directly affect the effective date of principal amendments within this docket.

Specifically, the amendments to Part 725 primarily are intended to incorporate the federal air emissions requirements of 40 CFR 264, subpart CC (35 Ill. Adm. Code 265.Subpart CC) for tanks, containers, and surface impoundments into the Illinois hazardous waste regulations. Amendments to Sections 725.114, 725.117, 725.150, 725.171, 725.192, 725.194, 725.271, 725.272, 725.274, 725.325, 725.352, 725.378, 725.477, 725.501, 725.502, 725.503, 725.504, 725.505, and 725.506 were intended to remove a number of the last remaining cross-references to 35 Ill. Adm. Code 700.106 for effective dates in the Section source notes. The Board further used this opportunity to make a number of minor corrective and clarifying amendments to the open provisions.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Michael J. McCambridge
Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60610
(312) 814-6924

Request copies of the Board's opinion and order of June 1, 1995 and supplemental opinion and order of June 15, 1995 from Victoria Agyeaman, at 312-814-3620.

The full text of the adopted amendments begins on the next page:

POLLUTION CONTROL BOARD

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TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 725

INTERIM STATUS STANDARDS FOR OWNERS AND
OPERATORS OF HAZARDOUS WASTE TREATMENT,
STORAGE, AND DISPOSAL FACILITIES

SUBPART A: GENERAL PROVISIONS

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725.101
725.104

Purpose, Scope and Applicability
Imminent Hazard Action

SUBPART B: GENERAL FACILITY STANDARDS

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Security
General Inspection Requirements
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SUBPART C: PREPAREDNESS AND PREVENTION

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Closure; Time Allowed for Closure
Disposal or Decontamination of Equipment, Structures and Soils
Certification of Closure
Survey Plat
Post-closure Care and Use of Property
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Certification of Completion of Post-Closure Care

SUBPART H: FINANCIAL REQUIREMENTS

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 Institutions
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SUBPART I: USE AND MANAGEMENT OF CONTAINERS

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 725.320 Applicability
 725.321 Design and Operating Requirements
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 724.324 Containment System
 725.325 Waste Analysis and Trial Tests
 725.326 Monitoring and Inspections
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 725.353 Containment
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 725.414 Special Requirements for Liquid Wastes
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APPENDIX D	Tests for Significance
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AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act (415 ILCS 5/22.4 and 27).

SOURCE: Adopted in R81-22, 43 PCB 427, at 5 Ill. Reg. 9781, effective May 17, 1982; amended and codified in R81-22, 45 PCB 317, at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R82-18, 51 PCB 831, at 7 Ill. Reg. 2518, effective February 22, 1983; amended in R82-19, 53 PCB 131, at 7 Ill. Reg. 14034, effective October 12, 1983; amended in R84-9, at 9 Ill. Reg. 11869, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1085, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14069, effective August 12, 1986; amended in R86-28 at 11 Ill. Reg. 6044, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13489, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19338, effective November 10, 1987; amended in R87-26 at 12 Ill. Reg. 2485, effective January 15, 1988; amended in R87-39 at 12 Ill. Reg. 13027, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 437, effective December 28, 1988; amended in R89-1 at 13 Ill. Reg. 18354, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. 14447, effective August 22, 1990; amended in R90-10 at 14 Ill. Reg. 16498, effective September 25, 1990; amended in R90-11 at 15 Ill. Reg. 9398, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14534, effective October 1, 1991; amended in R91-13 at 16 Ill. Reg. 9578, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17672, effective November 6, 1992; amended in R92-10 at 17 Ill. Reg. 5681, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20620, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6771, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12190, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17548, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9566, effective JUN 27 1995.

SUBPART A: GENERAL PROVISIONS

Section 725.101 Purpose, Scope and Applicability

- a) The purpose of this Part is to establish minimum standards which that define the acceptable management of hazardous waste during the period of interim status and until certification of final closure or, if the facility is subject to post-closure requirements, until post-closure responsibilities are fulfilled.

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- b) Except as provided in Section 725.980(b), the ~~the~~ standards in this Part and of 35 Ill. Adm. Code 724.652 and 724.653 apply to owners and operators of facilities which that treat, store, or dispose of hazardous waste ~~who~~ that have fully complied with the requirements for interim status under Section 3005(e) of the Resource Conservation and Recovery Act (RCRA) (42 U.S.C. 6901 et seq.) and 35 Ill. Adm. Code 703, until either a permit is issued under Section 3005 of the Resource Conservation and Recovery Act or Section 21(f) of the Environmental Protection Act, or until applicable closure and post-closure responsibilities under this Part are fulfilled, and to those owners and operators of facilities in existence on November 19, 1980, ~~who~~ that have failed to provide timely notification as required by Section 3010(a) of RCRA or that have failed to file Part A of the Permit Application as required by 40 CFR 270.10(e) and (g) or 35 Ill. Adm. Code 703.150 and 703.152. These standards apply to all treatment, storage, or disposal of hazardous waste at these facilities after November 19, 1980, except as specifically provided otherwise in this Part or 35 Ill. Adm. Code 721.
- BOARD NOTE: As stated in Section 3005(a) of RCRA, after the effective date of regulations under that Section [i.e., 40 CFR 270 and 124], the treatment, storage, or disposal of hazardous waste is prohibited except in accordance with a permit. Section 3005(e) of RCRA provides for the continued operation of an existing facility which that meets certain conditions until final administrative disposition of the owner's and operator's permit application is made. 35 Ill. Adm. Code 703.140 et seq. provide that a permit is deemed issued under Section 21(f)(1) of the Environmental Protection Act under conditions similar to federal interim status.
- c) The requirements of this Part do not apply to:
- 1) A person disposing of hazardous waste by means of ocean disposal subject to a permit issued under the Marine Protection, Research and Sanctuaries Act (16 U.S.C. 1431-1434; 33 U.S.C. 1401);
 - BOARD NOTE: This Part applies to the treatment or storage of hazardous waste before it is loaded into an ocean vessel for incineration or disposal at sea, as provided in subsection (b).
 - 3) The owner or operator of a POTW (publicly owned treatment works) which that treats, stores or disposes of hazardous waste;
 - BOARD NOTE: The owner or operator of a facility under subsections (c)(1) through (c)(3) is subject to the requirements of 35 Ill. Adm. Code 724 to the extent they are included in a permit by rule granted to such a person under 35 Ill. Adm. Code 702 and 703 or are required by 35 Ill. Adm. Code 704.Subpart F.
 - 5) The owner or operator of a facility permitted, licensed, or registered by Illinois to manage municipal or industrial solid waste, if the only hazardous waste the facility treats, stores, or disposes of is excluded from regulation under this Part by 35 Ill. Adm. Code 721.105;
 - 6) The owner or operator of a facility managing recyclable materials

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described in 35 Ill. Adm. Code 721.106(a)(2) through (a)(4), except to the extent that requirements of this Part are referred to in 35 Ill. Adm. Code 726.Subparts C, F, G, or H or 35 Ill. Adm. Code 739+;

- 7) A generator accumulating waste on-site in compliance with 35 Ill. Adm. Code 722.134, except to the extent the requirements are included in 35 Ill. Adm. Code 722.134;
- 8) A farmer disposing of waste pesticides from the farmer's own use in compliance with 35 Ill. Adm. Code 722.170;
- 9) The owner or operator of a totally enclosed treatment facility, as defined in 35 Ill. Adm. Code 720.110;
- 10) The owner or operator of an elementary neutralization unit or a wastewater treatment unit as defined in 35 Ill. Adm. Code 720.110, provided that if the owner or operator is diluting hazardous ignitable (D001) wastes (other than the D001 High TOC Subcategory defined in 35 Ill. Adm. Code 728.Table B77 or reactive (D003) waste) in order to remove the characteristic before land disposal, the owner or operator must comply with the requirements set out in Section 725.117(b);
- 11) Immediate response:
 - A) Except as provided in subsection (c)(11)(B) below, a person engaged in treatment or containment activities during immediate response to any of the following situations:
 - i) A discharge of a hazardous waste;
 - ii) An imminent and substantial threat of a discharge of a hazardous waste;
 - iii) A discharge of a material which, when discharged, becomes a hazardous waste when discharged.
 - B) An owner or operator of a facility otherwise regulated by this Part must comply with all applicable requirements of 725.Subparts C and D.
 - C) Any person who that is covered by subsection (c)(11)(A) above and who that continues or initiates hazardous waste treatment or containment activities after the immediate response is over is subject to all applicable requirements of this Part and 35 Ill. Adm. Code 702, 703, and 705 for those activities.
- 12) A transporter storing manifested shipments of hazardous waste in containers meeting the requirements of 35 Ill. Adm. Code 722.130 at a transfer facility for a period of ten days or less.
- 13) The addition of absorbent material to waste in a container (as defined in 35 Ill. Adm. Code 720.110) or the addition of waste to the absorbent material in a container, provided that these actions occur at the time that the waste is first placed in the containers and Sections 725.117(b), 725.271, and 725.272 are complied with.

- d) The following hazardous wastes must not be managed at facilities subject to regulation under this Part: hazardous waste numbers F020,

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F021, F022, F023, F026, or F027 unless:

- 1) The wastewater treatment sludge is generated in a surface impoundment as part of the plant's wastewater treatment system;
- 2) The waste is stored in tanks or containers;
- 3) The waste is stored or treated in waste piles that meet the requirements of 35 Ill. Adm. Code 724.350(c) as well as and all other applicable requirements of 725.Subpart L;
- 4) The waste is burned in incinerators that are certified pursuant to the standards and procedures in Section 725.452; or
- 5) The waste is burned in facilities that thermally treat the waste in a device other than an incinerator and that are certified pursuant to the standards and procedures in Section 725.483.
- e) This Part applies to owners and operators of facilities that treat, store, or dispose of hazardous wastes referred to in 35 Ill. Adm. Code 728, and the 35 Ill. Adm. Code 728 standards are considered material conditions or requirements of the interim status standards of this Part.
- f) 35--111--Adm--Code--700--contains--rules--concerning--application--of--other--Board--regulations--: Other bodies of regulations may apply a person, facility, or activity, such as 35 Ill. Adm. Code 809 (special waste hauling), 35 Ill. Adm. Code 807 or 810 through 817 (solid waste landfills), 35 Ill. Adm. Code 848 or 849 (used and scrap tires), or 35 Ill. Adm. Code 1420 through 1422 (potentially infectious medical waste), depending on the provisions of those other regulations.

(Source: Amended at 19 Ill. Reg. 9-5-6-1, effective

JUN 27 1995)

SUBPART B: GENERAL FACILITY STANDARDS

Section 725.113 General Waste Analysis

- a) Waste analysis:

- 1) Before an owner or operator treats, stores, or disposes of any hazardous waste, or non-hazardous waste if applicable under Section 725.213(d), the owner or operator shall obtain a detailed chemical and physical analysis of a representative sample of the waste. At a minimum, the analysis must contain all the information which that must be known to treat, store, or dispose of the waste in accordance with this Part and 35 Ill. Adm. Code 728.

- 2) The analysis may include data developed under 35 Ill. Adm. Code 721 and existing published or documented data on the hazardous waste or on waste generated from similar processes.

BOARD NOTE: For example, the facility's record of analyses performed on the waste before the effective date of these regulations or studies conducted on hazardous waste generated from processes similar to that which generated the waste to be

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managed at the facility may be included in the data base required to comply with subsection (a)(1) above except as otherwise specified in 35 Ill. Adm. Code 728.107(b) and (c). The owner or operator of an off-site facility may arrange for the generator of the hazardous waste to supply part or all of the information required by subsection (a)(1) above. If the generator does not supply the information and the owner or operator chooses to accept a hazardous waste, the owner or operator is responsible for obtaining the information required to comply with this Section.

- 3) The analysis must be repeated as necessary to ensure that it is accurate and up to date. At a minimum, the analysis must be repeated:

A) When the owner or operator is notified or has reason to believe that the process or operation generating the hazardous waste, or non-hazardous waste if applicable under Section 725.213(d), has changed; and

B) For off-site facilities, when the results of the inspection required in subsection (a)(4) below indicate that the hazardous waste received at the facility does not match the waste designated on the accompanying manifest or shipping paper.

- 4) The owner or operator of an off-site facility shall inspect and, if necessary, analyze each hazardous waste movement received at the facility to determine whether it matches the identity of the waste specified on the accompanying manifest or shipping paper.

b) The owner or operator shall develop and follow a written waste analysis plan which that describes the procedures which that the owner or operator will carry out to comply with subsection (a) above. The owner or operator shall keep this plan at the facility. At a minimum, the plan must specify:

- 1) The parameters for which each hazardous waste, or non-hazardous waste if applicable under Section 725.213(d), will be analyzed and the rationale for the selection of these parameters (i.e., how analysis for these parameters will provide sufficient information on the waste's properties to comply with subsection (a) above.

2) The test methods which that will be used to test for these parameters.

3) The sampling method which that will be used to obtain a representative sample of the waste to be analyzed. A representative sample may be obtained using either:

- A) One of the sampling methods described in 35 Ill. Adm. Code 721. Appendix A, or

B) An equivalent sampling method.

BOARD NOTE: See 35 Ill. Adm. Code 720.120(c) for related discussion.

- 4) The frequency with which the initial analysis of the waste will

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be reviewed or repeated to ensure that the analysis is accurate and up-to-date.

- 5) For off-site facilities, the waste analysis that hazardous waste generators have agreed to supply.

6) Where applicable, the methods which that will be used to meet the additional waste analysis requirements for specific waste management methods, as specified in Sections 725.300, 725.325, 725.352, 725.373, 725.414, 725.441, 725.475, 725.502, 725.934(d), and 725.963(d), and 725.984, and 35 Ill. Adm. Code 728.107. And

- 7) For surface impoundments exempted from land disposal restrictions under 35 Ill. Adm. Code 728.104(a), the procedures and schedules for:

A) The sampling of impoundment contents;

B) The analysis of test data; and

C) The annual removal of residues which that are not delisted under 35 Ill. Adm. Code 720.122 or which that exhibit a characteristic of hazardous waste and either:

- i) Do not meet the applicable standards of 35 Ill. Adm. Code 728. Subpart D, or

ii) Where no treatment standards have been established: Such residues are prohibited from land disposal under 35 Ill. Adm. Code 728.132 or 728.139; or such residues are prohibited from land disposal under 35 Ill. Adm. Code 728.133(f).

- 8) For owners and operators seeking an exemption to the air emission standards of 724. Subpart CC of this Part in accordance with Section 725.983:

A) The procedures and schedules for waste sampling and analysis, and the analysis of test data to verify the exemption.

B) Each generator's notice and certification of the volatile organic concentration in the waste if the waste is received from offsite.

c) For off-site facilities, the waste analysis plan required in subsection (b) above must also specify the procedures which that will be used to inspect and, if necessary, analyze each movement of hazardous waste received at the facility to ensure that it matches the identity of the waste designated on the accompanying manifest or shipping paper. At a minimum, the plan must describe:

- 1) The procedures which that will be used to determine the identity of each movement of waste managed at the facility; and

2) The sampling method which that will be used to obtain a representative sample of the waste to be identified if the identification method includes sampling.

3) The procedures that the owner or operator of an off-site landfill receiving containerized hazardous waste will use to determine whether a hazardous waste generator or treater has added a biodegradable sorbent to the waste in the container.

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(Source: Amended at 19 Ill. Reg. 9566, effective JUN 27 1995)

Section 725.114 Security

a) The owner or operator must prevent the unknowing entry and minimize the possibility for the unauthorized entry of persons or livestock onto the active portion of his facility, unless:

- 1) Physical contact with the waste, structures, or equipment of the active portion of the facility will not injure unknowing or unauthorized persons or livestock which that may enter the active portion of a the facility; and
- 2) Disturbance of the waste or equipment by the unknowing or unauthorized entry of persons or livestock onto the active portion of a facility will not cause a violation of the requirements of this part Part.

b) Unless exempt under paragraphs subsections (a)(1) and (a)(2) of this section above, a facility must have:

- 1) A 24-hour surveillance system (e.g., television monitoring or surveillance by guards or facility personnel) which that continuously monitors and controls entry into the active portion of the facility; or

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2) Controlled access, including the following minimum elements:

- A) An artificial or natural barrier (e.g., a fence in good repair or a fence combined with a cliff), which that completely surrounds the active portion of the facility; and
- B) A means to control entry at all times through the gates or other entrances to the active portion of the facility (e.g., an attendant, television monitors, locked entrance, or controlled roadway access to the facility).

BOARD NOTE: The requirements of paragraph subsection (b) of this section above are satisfied if the facility or plant within which the active portion is located itself has a surveillance system or a barrier and a means to control entry which that complies with the requirements of paragraph subsection (b)(1) or (b)(2) of this section.

c) Unless exempt under paragraphs subsection (a)(1) and or (a)(2) of this section above, a sign with the legend, "Danger--Unauthorized Personnel Keep Out," must be posted at each entrance to the active portion of a facility and at other locations, in sufficient numbers to be seen from any approach to this active portion. The sign must be legible from a distance of at least 25 feet. Existing signs with a legend other than "Danger--Unauthorized Personnel Keep Out" may be used if the legend on the sign indicates that only authorized personnel are allowed to enter the active portion and that entry onto the active portion can be dangerous.

BOARD NOTE: See Section 725.217(b) for discussion of security

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requirements at disposal facilities during the post-closure care period.

(Source: Amended at 19 Ill. Reg. 9566, effective JUN 27 1995)

Section 725.115 General Inspection Requirements

a) The owner or operator shall inspect the facility for malfunctions and deterioration, operator errors and discharges which that may be causing -- or may lead to -- the conditions listed below. The owner or operator shall conduct these inspections often enough to identify problems in time to correct them before they harm human health or the environment.

- 1) Release of hazardous waste constituents to the environment, or
- 2) A threat to human health.

b) Written schedule.

- 1) The owner or operator shall develop and follow a written schedule for inspecting all monitoring equipment, safety and emergency equipment, security devices, and operating and structural equipment (such as dikes and sump pumps) that are important to preventing, detecting, or responding to environmental or human health hazards.

2) The owner or operator shall keep this schedule at the facility.

- 3) The schedule must identify the types of problems (e.g., malfunctions or deterioration) which that are to be looked for during the inspection (e.g., inoperative sump pump, leaking fitting, eroding dike, etc.).

- 4) The frequency of inspection may vary for the items on the schedule. However, it should be based on the rate of deterioration, of the equipment and the probability of an environmental or human health incident if the deterioration, malfunction, or any operator error goes undetected between inspections. Areas subject to spills, such as loading and unloading areas, must be inspected daily when in use. At a minimum, the inspection schedule must include the items and frequencies called for in Sections 725.274, 725.293, 725.295, 725.326, 725.360, 725.378, 725.404, 725.447, 725.477, 725.503, 725.933, 725.952, 725.953, and 725.958, 725.989, and 725.991(b), where applicable.

c) The owner or operator shall remedy any deterioration or malfunction of equipment or structure which that the inspection reveals on a schedule which ensures that the problem does not lead to an environmental or human health hazard. Where a hazard is imminent or has already occurred, remedial action must be taken immediately.

d) The owner or operator shall record inspections in an inspection log or summary. The owner or operator shall keep these records for at least three years from the date of inspection. At a minimum, these records

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must include the date and time of the inspection, the name of the inspector, a notation of the observations made and the date, and nature of any repairs or other remedial actions.

(Source: Amended at 19 Ill. Reg. 9566, effective JUN 27 1995)

Section 725.117 General Requirements for Ignitable, Reactive, or Incompatible Wastes

a) The owner or operator must take precautions to prevent accidental ignition or reaction of ignitable or reactive waste. This waste must be separated and protected from sources of ignition or reaction, including, but not limited to, open flames, smoking, cutting and welding, hot surfaces, frictional heat, sparks (static, electrical or mechanical), spontaneous ignition (e.g., from heat-producing chemical reactions), and radiant heat. While ignitable or reactive waste is being handled, the owner or operator must confine smoking and open flame to specially designated locations. "No Smoking" signs must be conspicuously placed wherever there is a hazard from ignitable or reactive waste.

b) Where specifically required by other sections Sections of this part Part, the treatment, storage, or disposal of ignitable or reactive waste and the mixture or commingling of incompatible waste or incompatible wastes and materials, must be conducted so that it does not:

- 1) Generate extreme heat or pressure, fire or explosion, or violent reaction;
- 2) Produce uncontrolled toxic mists, fumes, dusts, or gases in sufficient quantities to threaten human health;
- 3) Produce uncontrolled flammable fumes or gases in sufficient quantities to pose a risk of fire or explosions;
- 4) Damage the structural integrity of the device or facility containing the waste; or
- 5) Through other like means, threaten human health or the environment.

(Source: Amended at 19 Ill. Reg. 9566, effective JUN 27 1995)

SUBPART D: CONTINGENCY PLAN AND EMERGENCY PROCEDURES

Section 725.150 Applicability

The regulations in this subpart Subpart apply to owners and operators of all hazardous waste facilities, except as Section 725.101 provides otherwise.

(Source: Amended at 19 Ill. Reg. 9566, effective JUN 27 1995)

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Section 725.156 Emergency Procedures

a) Whenever there is an imminent or actual emergency situation, the emergency coordinator (or his designee when the emergency coordinator is on call) shall immediately:

- 1) Activate internal facility alarms or communication systems, where applicable, to notify all facility personnel; and
- 2) Notify appropriate state or local agencies with designated response roles if their help is needed.

b) Whenever there is a release, fire, or explosion, the emergency coordinator shall immediately identify the character, exact source, amount, and a real extent of any released materials. He or she may do this by observation or review of facility records or manifests and, if necessary, by chemical analysis.

c) Concurrently, the emergency coordinator shall assess possible hazards to human health or the environment that may result from the release, fire, or explosion. This assessment must consider both direct and indirect effects of the release, fire, or explosion (e.g., the effects of any toxic, irritating, or asphyxiating gases that are generated, or the effects of any hazardous surface water runoffs from water or chemical agents used to control fire and heat-induced explosions).

d) If the emergency coordinator determines that the facility has had a release, fire, or explosion that could threaten human health or the environment outside the facility, he or she shall report his findings as follows:

- 1) If his assessment indicates that evacuation of local areas may be advisable, he or she shall immediately notify appropriate local authorities. He or she must be available to help appropriate officials decide whether local areas should be evacuated; and
- 2) He or she shall immediately notify either the government official designated as the on-scene coordinator for that geographical area (in the applicable regional contingency plan under 40 CFR Part 300), or the National Response Center (using their 24-hour toll free number 800-424-8802). The report must include:

A) Name and telephone number of reporter;

B) Name and address of facility;

C) Time and type of incident (e.g., release, fire);

D) Name and quantity of materials materials involved, to the extent known;

E) The extent of injuries, if any; and

F) The possible hazards to human health or the environment outside the facility.

e) During an emergency the emergency coordinator shall take all reasonable measures necessary to ensure that fires, explosions, and releases do not occur, recur, or spread to other hazardous waste at the facility. These measures must include, where applicable, stopping

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processes and operations, collecting and containing released waste, and removing or isolating containers.

f) If the facility stops operations in response to a fire, explosion or release, the emergency coordinator shall monitor for leaks, pressure buildup, gas generation or ruptures in valves, pipes, or other equipment, wherever this is appropriate.

g) Immediately after an emergency, the emergency coordinator shall provide for treating, storing, or disposing of recovered waste, contaminated soil, or surface water, or any other material that results from a release, fire, or explosion at the facility.

Comment-BOARD NOTE: Unless the owner or operator can demonstrate in accordance with Section 721.103(ed) or (de) that the recovered material is not a hazardous waste, the owner or operator becomes a generator of hazardous waste and shall manage it in accordance with all applicable requirements of Parts 722, 723, and 725.

h) The emergency coordinator shall ensure that, in the affected area(s) of the facility:

1) No waste that may be incompatible with the released material is treated, stored, or disposed of until cleanup procedures are completed; and

2) All emergency equipment listed in the contingency plan is cleaned and fit for its intended use before operations are resumed.

i) The owner or operator shall notify the Director and other appropriate state and local authorities that the facility is in compliance with paragraph subsection (h) of this section above before operations are resumed in the affected areas of the facility.

j) The owner or operator shall note in the operating record the time, date, and details of any incident that requires implementing the contingency plan. Within 15 days after the incident, it shall submit a written report on the incident to the Director. The report must include:

- 1) Name, address, and telephone number of the owner or operator;
- 2) Name, address, and telephone number of the facility;
- 3) Date, time, and type of incident (e.g., fire, explosion);
- 4) Name and quantity of materials involved;
- 5) The extent of injuries, if any;
- 6) An assessment of actual or potential hazards to human health or the environment, where this is applicable; and
- 7) Estimated quantity and disposition of recovered material that resulted from the incident.

(Source: Amended at 19 Ill. Reg. 9566, effective JUN 27 1995)

SUBPART E: MANIFEST SYSTEM, RECORDKEEPING AND REPORTING

Section 725.171 Use of Manifest System

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a) If a facility receives hazardous waste accompanied by a manifest, the owner or operator or his agent must:

1) Sign and date each copy of the manifest to certify that the hazardous waste covered by the manifest was received;

2) Note any significant discrepancies in the manifest, ~~as defined in Section 725.172(a)1, on each copy of the manifest;~~

Comment-BOARD NOTE: ~~The Board does not intend that the~~ owner or operator of a facility whose procedures under Section 725.113(c) include waste analysis must need not perform that analysis before signing the manifest and giving it to the transporter. Section 725.172(b), however, requires the owner or operator to report an any unreconciled discrepancy discovered during later analysis.

3) Immediately give the transporter at least one copy of the signed manifest;

4) ~~Within 30 days after the delivery, send~~ Send a copy of the manifest to each of the generator and to the Agency within 30 days of the date of delivery; and

5) Retain at the facility a copy of each manifest for at least three years from the date of delivery.

b) If a facility receives from a rail or water (bulk shipment) transporter hazardous waste ~~which that is accompanied by a shipping paper containing all the information required on the manifest (excluding the U.S. EPA identification numbers, generator's certification and signatures), the owner or operator or his agent must:~~

1) Sign and date each copy of the manifest or shipping paper (if the manifest has not been received) to certify that the hazardous waste covered by the manifest or shipping paper was received;

2) Note any significant discrepancies, ~~as defined in Section 725.172(a)1, in the manifest or shipping paper (if the manifest has not been received) on each copy of the manifest or shipping paper;~~

Comment-BOARD NOTE: ~~The Board does not intend that the~~ owner or operator of a facility whose procedures under Section 725.113(c) include waste analysis must need not perform that analysis before signing the shipping paper and giving it to the transporter. Section 725.172(b), however, requires reporting an unreconciled discrepancy discovered during later analysis.

3) Immediately give the rail or water (bulk shipment) transporter at least one copy of the manifest or shipping paper (if the manifest has not been received);

4) ~~Within 30 days after the delivery, send~~ Send a copy of the signed and dated manifest to the generator and to the Agency within 30 days after the delivery; however, if the manifest has not been received within 30 days after delivery, the owner or operator, or his agent, must send a copy of the shipping paper signed and dated to the generator; and

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Comment-BOARD NOTE: Section 35 Ill. Adm. Code 722.123(c) requires the generator to send three copies of the manifest to the facility when hazardous waste is sent by rail or water (bulk shipment).

- 5) Retain at the facility a copy of the manifest and shipping paper (if signed in lieu of the manifest at the time of delivery) for at least three years from the date of delivery.

- c) Whenever a shipment of hazardous waste is initiated from a facility, the owner or operator of that facility must comply with the requirements of Part 35 Ill. Adm. Code 722.

Comment-BOARD NOTE: The provisions of Section 35 Ill. Adm. Code 722.134 are applicable to the on-site accumulation of hazardous wastes by generators. Therefore, the provisions of Section 35 Ill. Adm. Code 722.134 only apply only to owners or operators who that are shipping hazardous waste which that they generated at that facility.

(Source: Amended at 19 Ill. Reg. 95.6.6.1, effective JUN 27 1995.)

Section 725.173 Operating Record

- a) The owner or operator shall keep a written operating record at the facility.
- b) The following information must be recorded as it becomes available and maintained in the operating record until closure of the facility.

- 1) A description and the quantity of each hazardous waste received and the method or methods and date or dates of its treatment, storage, or disposal at the facility as required by Section 725.Appendix A;

- 2) The location of each hazardous waste within the facility and the quantity at each location. For disposal facilities the location and quantity of each hazardous waste must be recorded on a map or diagram of each cell or disposal area. For all facilities this information must include cross-references to specific manifest document numbers if the waste was accompanied by a manifest;

BOARD NOTE: See Sections 725.219, 725.379, and 725.409 for related requirements.

- 3) Records and results of waste analysis, waste determinations, and trial tests performed as specified in Sections 725.113, 725.300, 725.325, 725.352, 725.373, 725.414, 725.441, 725.475, 725.502, 725.934, and 725.963, and 725.984 and 35 Ill. Adm. Code 728.104(a) and 728.107;

- 4) Summary reports and details of all incidents that require implementing the contingency plan as specified in Section 725.156(f);

- 5) Records and results of inspections as required by Sections 725.115(d) (except these data need be kept only three years);

- 6) Monitoring, testing or analytical data and corrective-action data

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where required by 725.Subpart F or Sections 725.119, 725.190, 725.194, 725.291, 725.293, 725.295, 725.322, 725.323, 725.326, 725.355, 725.359, 725.360, 725.376, 725.378, 725.380(d)(1), 725.402 through 725.404, 725.447, 725.477, 725.934(c) through (f), 725.935, 725.963(d) through (i), or 725.964, 725.989 through 725.991;

BOARD NOTE: As required by Section 725.194, monitoring data at disposal facilities must be kept throughout the post-closure period.

- 7) All closure cost estimates under Section 725.242 and, for disposal facilities, all post-closure cost estimates under Section 725.244;

- 8) Records of the quantities (and date of placement) for each shipment of hazardous waste placed in land disposal units under an extension of the effective date of any land disposal restriction granted pursuant to 35 Ill. Adm. Code 728.105, a petition pursuant to 35 Ill. Adm. Code 728.106, or a certification under 35 Ill. Adm. Code 728.108, and the applicable notice required of a generator under 35 Ill. Adm. Code 728.107(a);

- 9) For an off-site treatment facility, a copy of the notice and the certification and demonstration, if applicable, required of the generator or the owner or operator under 35 Ill. Adm. Code 728.107 or 728.108;

- 10) For an on-site treatment facility, the information contained in the notice (except the manifest number), and the certification and demonstration, if applicable, required of the generator or the owner or operator under 35 Ill. Adm. Code 728.107 or 728.108;

- 11) For an off-site land disposal facility, a copy of the notice and the certification and demonstration, if applicable, required of the generator or the owner or operator of a treatment facility under 35 Ill. Adm. Code 728.107 or 728.108, ---which ever is applicable; and

- 12) For an on-site land disposal facility, the information contained in the notice required of the generator or owner or operator of a treatment facility under 35 Ill. Adm. Code 728.107, except for the manifest number, and the certification and demonstration, if applicable, required under 35 Ill. Adm. Code 728.107 or 728.108 which ever is applicable;

- 13) For an off-site storage facility, a copy of the notice and the certification and demonstration, if applicable, required of the generator or the owner or operator under 35 Ill. Adm. Code 728.107 or 728.108; and

- 14) For an on-site storage facility, the information contained in the notice (except the manifest number), and the certification and demonstration if applicable, required of the generator or the owner or operator under 35 Ill. Adm. Code 728.107 or 728.108.

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(Source: Amended at 19 Ill. Reg. 9566, effective JUN 27 1995)

Section 725.177 Additional Reports

In addition to submitting the annual report and unmanifested waste reports described in Sections 725.175 and 725.176, the owner or operator shall also report to the Agency:

- Releases, fires, and explosions, as specified in Section 725.156(j);
- Groundwater contamination and monitoring data, as specified in Section 725.193 and 725.194;
- Facility closure, as specified in Section 725.215; and
- As otherwise required by 725-Subparts AA, and BB, and CC.

(Source: Amended at 19 Ill. Reg. 9566, effective JUN 27 1995)

SUBPART F: GROUNDWATER MONITORING

Section 725.192 Sampling and Analysis

- The owner or operator must obtain and analyze samples from the installed groundwater monitoring system. The owner or operator must shall develop and follow a groundwater sampling and analysis plan. He The owner or operator must shall keep this plan at the facility. The plan must include procedures and techniques for:

- Sample collection;
- Sample preservation and shipment;
- Analytical procedures; and
- Chain of custody control.

Comment-BOARD NOTE: See "Procedures Manual For Groundwater Monitoring At Solid Waste Disposal Facilities," EPA-530/5W-617 August--1977 and "Methods for Chemical Analysis of Water and Wastes," EPA-600/4-79--920,--March-1979 incorporated by reference in 35 Ill. Adm. Code 720.111, for discussions of sampling and analysis procedures.

- The owner or operator must shall determine the concentration or value of the following parameters in groundwater samples in accordance with paragraphs subsections (c) and (d) of this section below:

- Parameters characterizing the suitability of the groundwater as a drinking water supply, as specified in Section 725-Appendix ##C.
- Parameters establishing groundwater quality:

- Chloride,
- Iron,
- Manganese,
- Phenols,
- Sodium, and
- Sulfate.

Comment-BOARD NOTE: These parameters are to be used as a basis for comparison in the event a groundwater quality assessment is required under Section 725.193(d).

- Parameters used as indicators of groundwater contamination:
 - pH,
 - Specific Conductance,
 - Total Organic Carbon, and
 - Total Organic Halogen.

c) Establishing background concentrations:

- For all monitoring wells, the owner or operator must shall establish initial background concentrations or values of all parameters specified in paragraph subsection (b) of this section above. He The owner or operator must shall do this quarterly for one year.

- For each of the indicator parameters specified in paragraph subsection (b)(3) above, the owner or operator shall obtain at least four replicate measurements must--be--obtained for each sample and determine the initial background arithmetic mean and variance must--be--determined by pooling the replicate measurements for the respective parameter concentrations or values in samples obtained from upgradient wells during the first year.
- After the first year, the owner or operator shall sample all monitoring wells must--be--sampled and analyze the samples analyzed with the following frequencies:

- Samples collected to establish groundwater quality must be obtained and analyzed for the parameters specified in paragraph subsection (b)(2) of this section above at least annually.
- Samples collected to indicate groundwater contamination must be obtained and analyzed for the parameters specified in paragraph subsection (b)(3) of this section above at least semi-annually.

- The owner or operator shall determine the elevation Elevation of the groundwater surface at each monitoring well must--be--determined each time a sample is obtained.

(Source: Amended at 19 Ill. Reg. 9566, effective JUN 27 1995)

Section 725.194 Recordkeeping and Reporting

- Unless the groundwater is monitored to satisfy the requirements of Section 725.193(d)(4), the owner or operator must shall:

- Keep records of the analyses required in Section 725.192(c) and (d), the associated groundwater surface elevations required in Section 725.192(e), and the evaluations required in Section 725.193(b) throughout the active life of the facility and for disposal facilities, also throughout the post-closure care period as-well; and
- Report the following groundwater monitoring information to the

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Director Agency:

A) During the first year when initial background concentrations are being established for the facility: concentrations or values of the parameters listed in Section 725.192(b)(1) for each groundwater monitoring well, within 15 days after completing each quarterly analysis. The owner or operator must separately identify for each monitoring well any parameters whose concentration or value has been found to exceed the maximum contaminant levels listed in Section 725.192(c)(1). During the active life of the facility, the owner or operator shall submit this information must-be-submitted as part of the annual report required under Section 725.175.

B) Annually: concentrations or values of the parameters listed in Section 725.192(b)(3) for each groundwater monitoring well, along with the required evaluations for these parameters under Section 725.193(b). The owner or operator must separately identify any significant differences from initial background found in the upgradient wells, in accordance with Section 725.193(c)(1). During the active life of the facility, the owner or operator shall submit this information must-be-submitted as part of the annual report required under Section 725.175.

C) As part of the annual report required under Section 725.175: results of the evaluation of groundwater surface elevations under Section 725.193(f) and a description of the response to the evaluation, where applicable.

b) If the groundwater is monitored to satisfy the requirements of Section 725.193(d)(4), the owner or operator must shall:

- 1) Keep records of the analyses and evaluations specified in the plan--which that satisfies satisfy the requirements of Section 725.193(d)(3) throughout the active life of the facility and, for disposal facilities, also throughout the post-closure care period as well; and

- 2) Annually, until final closure of the facility, submit to the Director Agency a report containing the results of his the groundwater quality assessment program which that includes, but is not limited to, the calculated (or measured) rate of migration of hazardous waste or hazardous waste constituents in the groundwater during the reporting period. The owner or operator shall submit this this report must-be-submitted as part of the annual report required under Section 725.175.

(Source: Amended at 19 Ill. Reg. 9566¹, effective JUN 27 1995)

SUBPART I: USE AND MANAGEMENT OF CONTAINERS

Section 725.271 Condition of Containers

If a container holding hazardous waste is not in good condition or if it begins

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to leak, the owner or operator must shall transfer the hazardous waste from this container to a container that is in good condition or manage the waste in some other way that it complies with the requirements of this Part.

(Source: Amended at 19 Ill. Reg. 9566¹, effective JUN 27 1995)

Section 725.272 Compatibility of Waste with Container

The owner or operator must shall use a container made of or lined with materials which that will not react with and are otherwise compatible with the hazardous waste to be stored, so that the ability of the container to contain the waste is not impaired.

(Source: Amended at 19 Ill. Reg. 9566¹, effective JUN 27 1995)

Section 725.274 Inspections

The owner or operator must shall inspect areas where containers are stored at least weekly, looking for leaks and for deterioration caused by corrosion or other factors.

COMMENT-BOARD NOTE: See Section 725.271 for remedial action required if deterioration or leaks are detected.

(Source: Amended at 19 Ill. Reg. 9566¹, effective JUN 27 1995)

Section 725.278 Air Emission Standards

The owner or operator shall manage all hazardous waste placed in a container in accordance with the requirements of 724.Subpart CC.

(Source: Added at 19 Ill. Reg. 9566¹, effective JUN 27 1995)

SUBPART J: TANK SYSTEMS

Section 725.301 Generators of 100 to 1000 kg/mo-

- a) The requirements of this Section apply to small quantity generators of waste that generate more than 100 kg but less than 1000 kg of hazardous waste in a calendar month, that accumulate hazardous waste in tanks for less than 180 days (or 270 days if the generator must ship the waste greater than 200 miles), and that do not accumulate over 6,000 kg on-site at any time.

- b) A generator generators of between 100 and 1000 kg/mo hazardous waste shall comply with the following general operating requirements:

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- 1) Treatment or storage of hazardous waste in tanks must comply with Section 725.117(b)(1).
 - 2) Hazardous wastes or treatment reagents must not be placed in a tank if they could cause the tank or its inner liner to rupture, leak, corrode, or otherwise fail before the end of its intended life.
 - 3) Uncovered tanks must be operated to ensure at least 60 centimeters (2 feet) of freeboard, unless the tank is equipped with a containment structure (e.g. dike or trench), a drainage control system, or a diversion structure (e.g., standby tank) with a capacity that equals or exceeds the volume of the top 60 centimeters (2 feet) of the tank.
 - 4) Where hazardous waste is continuously fed into a tank, the tank must be equipped with a means to stop this inflow (e.g., waste feed cutoff system or by-pass system to a stand-by tank).
- BOARD NOTE: These systems are intended to be used in the event of a leak or overflow from the tank due to a system failure (e.g., a malfunction in the treatment process, a crack in the tank, etc.).

- c) A generator of between 100 and 1000 kg/mo accumulating hazardous waste in tanks shall inspect, where present:

- 1) Discharge control equipment (e.g., waste feed cutoff systems, by-pass systems, and drainage systems) at least once each operating day, to ensure that it is in good working order;
- 2) Data gathered from monitoring equipment (e.g., pressure and temperature gauges) at least once each operating day to ensure that the tank is being operated according to its design;
- 3) The level of waste in the tank at least once each operating day to ensure compliance with subsection (b)(3) above;
- 4) The construction materials of the tank at least weekly to detect corrosion or leaking of fixtures or seams; and
- 5) The construction materials of the area immediately surrounding discharge confinement structures (e.g., dikes) at least weekly to detect erosion or obvious signs of leakage (e.g., wet spots or dead vegetation).

BOARD NOTE: As required by Section 725.115(c), the owner or operator must remedy any deterioration or malfunction the owner or operator finds.

- d) A generator of between 100 and 1000 kg/mo accumulating hazardous waste in tanks shall, upon closure of the facility, remove all hazardous waste from tanks, discharge control equipment and discharge confinement structures.

BOARD NOTE: At closure, as throughout the operating period, unless the owner or operator demonstrates, in accordance with 35 Ill. Adm. Code 721.103(ed) or (de), that any solid waste removed from the tank is not a hazardous waste, the owner or operator becomes a generator of hazardous waste and must manage it in accordance with all applicable requirements of 35 Ill. Adm. Code 722, 723, and 725.

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- e) A generator of between 100 and 1000 kg/mo shall comply with the following special requirements for ignitable or reactive waste:

- 1) Ignitable or reactive waste must not be placed in a tank unless:
 - A) The waste is treated, rendered, or mixed before or immediately after placement in a tank so that:

- 1) The resulting waste, mixture, or dissolution of material no longer meets the definition of ignitable or reactive waste under 35 Ill. Adm. Code 721.121 or 721.123, and

- ii) Section 725.117(b) is complied with; or

- B) The waste is stored or treated in such a way that it is protected from any material or conditions that may cause the waste to ignite or react; or

- C) The tank is used solely for emergencies.

- 2) The owner or operator of a facility which that treats or stores ignitable or reactive waste in covered tanks shall comply with the buffer zone requirements for tanks contained in Tables 2-1 through 2-6 of the National Fire Protection Association's "Flammable and Combustible Liquids Code," incorporated by reference in 35 Ill. Adm. Code 720.111.

- f) A generator of between 100 and 1000 kg/mo shall comply with the following special requirements for incompatible wastes:

- 1) Incompatible wastes or incompatible wastes and materials (see Appendix E for examples) must not be placed in the same tank unless Section 725.117(b) is complied with.

- 2) Hazardous waste must not be placed in an unwashed tank which that previously held an incompatible waste or material unless Section 725.117(b) is complied with.

(Source: Amended at 19 Ill. Reg. **9566**, effective **JUN 27 1995**)

Section 725.302 Air Emission Standards

The owner or operator shall manage all hazardous waste placed in a tank in accordance with the requirements of 724 Subparts AA, BB, and CC.

(Source: Added at 19 Ill. Reg. **9566**, effective **JUN 27 1995**)

SUBPART K: SURFACE IMPOUNDMENTS

Section 725.325 Waste Analysis and Trial Tests

In addition to the waste analyses required by Section 725.113, whenever a surface impoundment is to be used to:

- a) Chemically treat a hazardous waste which that is substantially different from waste previously treated in that impoundment; or

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- b) Chemically treat hazardous waste with a substantially different process than and previously used in that impoundment; the owner or operator must, before treating the different waste or using the different process:

- 1) Conduct waste analyses and trial treatment tests (e.g., bench scale or pilot plant scale tests); or
 - 2) Obtain written, documented information on similar treatment of similar waste under similar operating conditions, to show that this treatment will comply with Section 725.117(b).
- COMMENT-BOARD NOTE:** As required by Section 725.113, the waste analyses plan must include analyses needed to comply with Sections 725.329 and 725.330. As required by Section 725.173, the owner or operator must place the results from each waste analysis and trial test, or the documented information in the operating record of the facility.

(Source: Amended at 19 Ill. Reg. 95661, effective JUN 27 1995)

Section 725.331 Air Emission Standards

The owner or operator shall manage all hazardous waste placed in a surface impoundment in accordance with the requirements of 724.Subpart CC.

(Source: Added at 19 Ill. Reg. 95661, effective JUN 27 1995)

SUBPART L: WASTE FILES

Section 725.352 Waste Analysis

- a) In addition to the waste analyses required by Section 725.113, the owner or operator must shall analyze a representative sample of waste from each incoming movement before adding the waste to any existing pile unless:

- 1) The only wastes the facility receives which that are amenable to piling are compatible with each other; or
 - 2) The waste received is compatible with the waste in the pile to which it is to be added.
- b) The analysis conducted must be capable of differentiating between the types of hazardous waste the owner or operator places in piles, so that mixing of incompatible waste does not inadvertently occur. The analysis must include a visual comparison of color and texture.

COMMENT-BOARD NOTE: As required by Section 725.113, the waste analysis plan must include analyses needed to comply with Sections 725.356 and 725.357. As required by Section 725.173, the owner or operator must place the results of this analysis in the operating record of the facility.

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(Source: Amended at 19 Ill. Reg. 95661, effective JUN 27 1995)

SUBPART M: LAND TREATMENT

Section 725.378 Unsaturated Zone (Zone of Aeration) Monitoring

- a) The owner or operator must shall have in writing and must shall implement, an unsaturated zone monitoring plan which that is designed to:

- 1) Detect the vertical migration of hazardous waste and hazardous waste constituents under the active portion of the land treatment facility; and
 - 2) Provide information on the background concentrations of the hazardous waste and hazardous waste constituents in similar but untreated soil nearby; ~~this~~ This background monitoring must be conducted before or in conjunction with the monitoring required under paragraph subsection (a)(1) of this section above.
- b) The unsaturated zone monitoring plan must include, at a minimum:
- 1) Soil monitoring using soil cores; and
 - 2) Soil-pore water monitoring using devices, such as lysimeters.
- c) To comply with paragraph subsection (a)(1) of this section above, the owner or operator must demonstrate in his unsaturated zone monitoring plan that:

- 1) The depth at which soil and soil-pore water samples are to be taken is below the depth to which the waste is incorporated into the soil;
 - 2) The number of soil and soil-pore water samples to be taken is based on the variability of:
 - A) The hazardous waste constituents (as identified in Section 725.373(a) and (b)) in the waste and in the soil; and
 - B) The soil types; and
 - 3) The frequency and timing of soil and soil-pore water sampling is based on the frequency, time, and rate of waste application, proximity to ground water, and soil permeability.
 - d) The owner or operator must shall keep at the facility hisits unsaturated zone monitoring plan and the rationale used in developing this plan.
 - e) The owner or operator must shall analyze the soil and soil-pore water samples for the hazardous waste constituents that were found in the waste during the waste analysis under Section 725.373(a) and (b).
- COMMENT-BOARD NOTE:** As required by Section 725.173, the owner or operator must place all data and information developed by the owner or operator under this section Section must-be placed in the operating record of the facility.

(Source: JUN 27 1995 19 Ill. Reg. 95661, effective JUN 27 1995)

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SUBPART P: THERMAL TREATMENT

Section 725.477 Monitoring and Inspections

The owner or operator must shall conduct, as a minimum, the following monitoring and inspections when thermally treating hazardous waste:

- Existing instruments which that relate to temperature and emission control (if an emission control device is present) must be monitored at least every 15 minutes. Appropriate corrections to maintain steady state or other appropriate thermal treatment conditions must be made immediately either automatically or by the operator. Instruments which that relate to temperature and emission control would normally include those measuring waste feed, auxiliary fuel feed, treatment process temperature and relevant process flow and level controls.
- The stack plume (emissions), where present, must be observed visually at least hourly for normal appearance (color and opacity). The operator must immediately make any indicated operating corrections necessary to return any visible emissions to their normal appearance.
- The complete thermal treatment process and associated equipment (pumps, valves, conveyors, pipes, etc.) must be inspected at least daily for leaks, spills and fugitive emissions, and all emergency shutdown controls and system alarms must be checked to assure proper operation.

(Source: Amended at 19 Ill. Reg. 95 6 6, effective JUN 27 1995)

SUBPART Q: CHEMICAL, PHYSICAL AND BIOLOGICAL TREATMENT

Section 725.501 General Operating Requirements

- Chemical, physical or biological treatment of hazardous waste must comply with Section 725.117(b).
- Hazardous waste or treatment reagents must not be placed in the treatment process or equipment if they could cause the treatment process or equipment to rupture, leak, corrode, or otherwise fail before the end of its intended life.
- Where hazardous waste is continuously fed into a treatment process or equipment, the process or equipment must be equipped with a means to stop this inflow (e.g., a waste feed cutoff system or bypass system to a standby containment device).

Comment-BOARD NOTE: These systems are intended to be used in the event of a malfunction in the treatment process or equipment.

(Source: Amended at 19 Ill. Reg. 95 6 6, effective JUN 27 1995)

Section 725.502 Waste Analysis and Trial Tests

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- In addition to the waste analysis required by Section 725.113, paragraph subsection (b) above applies whenever:

- A hazardous waste which that is substantially different from waste previously treated in a treatment process or equipment at the facility is to be treated in that process or equipment, or
 - A substantially different process from any previously used at the facility is to be used to chemically treat hazardous waste.
- To show that this proposed treatment will meet all applicable requirements of Section 725.501(a) and (b), the owner or operator must, before treating the different waste or using the different process or equipment:

- Conduct waste analyses and trial treatment tests (e.g., bench scale or pilot plant scale tests) 74 or
- Obtain written, documented information on similar treatment of similar waste under similar operating conditions.

Comment-BOARD NOTE: As required by Section 725.113, the waste analysis plan must include analyses needed to comply with Sections 725.505 and 725.506. As required by Section 725.173, the owner or operator must shall place the results from each waste analysis and trial test, or the documented information, in the operating record of the facility.

(Source: Amended at 19 Ill. Reg. 95 6 6, effective JUN 27 1995)

Section 725.503 Inspections

The owner operator of a treatment facility must shall inspect, where present:

- Discharge control and safety equipment (e.g., waste feed cutoff systems, bypass systems, drainage systems and pressure relief systems) at least once each operating day to ensure that it is in good working order;
- Data gathered from monitoring equipment (e.g., pressure and temperature gauges) at least once each operating day to ensure that the treatment process or equipment is being operated according to its design;
- The construction materials of the treatment process or equipment at least weekly to detect corrosion or leaking of fixtures or seams; and
- The construction materials of, and the area immediately surrounding, discharge confinement structures (e.g., dikes) at least weekly to detect erosion or obvious signs of leakage (e.g., wet spots or dead vegetation).

Comment-BOARD NOTE: As required by Section 725.115(c), the owner or operator must remedy any deterioration or malfunction he it finds.

(Source: Amended at 19 Ill. Reg. 95 6 6, effective JUN 27 1995)

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Section 725.504 Closure

At closure, all hazardous waste and hazardous waste residues must be removed from treatment processes or equipment, discharge control equipment, and discharge confinement structures.

Comment/BOARD NOTE: At closure, as throughout the operating period, unless the owner or operator can demonstrate, in accordance with Section 35 Ill. Adm. Code 721.103 (c) or (d), that any solid waste removed from his treatment process or equipment is not a hazardous waste, the owner or operator becomes a generator of hazardous waste and must manage it in accordance with all applicable requirements of Parts 35 Ill. Adm. Code 722, 723, and 725.

(Source: Amended at 19 Ill. Reg. 9566, effective JUN 27 1995);

Section 725.505 Special Requirements for Ignitable or Reactive Waste

Ignitable or reactive waste must not be placed in a treatment process or equipment unless:

- The waste is treated, rendered or mixed before or immediately after placement in the treatment process or equipment so that:
 - The resulting waste, mixture or dissolution of material no longer meets the definition of ignitable or reactive waste under Section 721.121 or 721.123; and
 - Section 725.117(b) is complied with; or
- The waste is treated in such a way that it is protected from any material or conditions which that may cause the waste to ignite or react.

(Source: Amended at 19 Ill. Reg. 9566¹, effective JUN 27 1995);

Section 725.506 Special Requirements for Incompatible Wastes

- An owner or operator shall not place incompatible ~~incompatible~~ wastes or incompatible wastes and materials (see Section 725.117(b) for examples) ~~must not be placed~~ in the same treatment process or equipment unless it complies with Section 725.117(b) ~~is complied with~~.
- An owner operator shall not place hazardous ~~hazardous~~ waste ~~must not be placed~~ in unwashed treatment equipment ~~which that~~ previously held an incompatible waste or material, unless it complies with Section 725.117(b) ~~is complied with~~.

(Source: Amended at 19 Ill. Reg. 9566, effective JUN 27 1995);

SUBPART AA: AIR EMISSION STANDARDS FOR PROCESS VENTS

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Section 725.933 Standards: Closed-vent Systems and Control Devices

a) Compliance Required.

- Owners or operators of closed-vent systems and control devices used to comply with provisions of this Part shall comply with the provisions of this Section.
- The owner or operator of an existing facility ~~who~~ that cannot install a closed-vent system and control device to comply with the provisions of this Subpart on the effective date that the facility becomes subject to the provisions of this Subpart shall prepare an implementation schedule that includes dates by which the closed-vent system and control device will be installed and in operation. The controls must be installed as soon as possible, but the implementation schedule may allow up to 18 months after the effective date that the facility becomes subject to this Subpart for installation and startup. All units that begin operation after December 21, 1990, must comply with the rules immediately (i.e., must have control devices installed and operating on startup of the affected unit); the 2-year implementation schedule does not apply to these units.

- A control device involving vapor recovery (e.g., a condenser or adsorber) must be designed and operated to recover the organic vapors vented to it with an efficiency of 95 weight percent or greater unless the total organic emission limits of Section 725.932(a)(1) for all affected process vents is attained at an efficiency less than 95 weight percent.
- An enclosed combustion device (e.g., a vapor incinerator, boiler, or process heater) must be designed and operated to reduce the organic emissions vented to it by 95 weight percent or greater; to achieve a total organic compound concentration of 20 ppmv, expressed as the sum of the actual compounds, not carbon equivalents, on a dry basis corrected to 3 percent oxygen; or to provide a minimum residence time of 0.50 seconds at a minimum temperature of 760° C. If a boiler or process heater is used as the control device, then the vent stream must be introduced into the flame combustion zone of the boiler or process heater.

d) Flares

- A flare must be designed for and operated with no visible emissions as determined by the methods specified in subsection (e)(1) below except for periods not to exceed a total of 5 minutes during any 2 consecutive hours.
- A flare must be operated with a flame present at all times, as determined by the methods specified in subsection (f)(2)(c) below.
- A flare must be used only if the net heating value of the gas being combusted is 11.2 MJ/scm (300 Btu/scf) or greater if the flare is steam-assisted or air-assisted, or if the net heating value of the gas being combusted is 7.45 MJ/scm (200 Btu/scf) or

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greater if the flare is nonassisted. The net heating value of the gas being combusted must be determined by the methods specified in subsection (e)(2) below.

4) Exit Velocity.

A) A steam-assisted or nonassisted flare must be designed for an operated with an exit velocity, as determined by the methods specified in subsection (e)(3) below, less than 18.3 m/s (60 ft/s), except as provided in subsections (d)(4)(B) and (d)(4)(C) below.

B) A steam-assisted or nonassisted flare designed for and operated with an exit velocity, as determined by the methods specified in subsection (e)(3) below, equal to or greater than 18.3 m/s (60 ft/s) but less than 122 m/s (400 ft/s) is allowed if the net heating value of the gas being combusted is greater than 37.3 MJ/scm (1000 Btu/scf).

C) A steam-assisted or nonassisted flare designed for and operated with an exit velocity, as determined by the methods specified in subsection (e)(3) below, less than the velocity, V as determined by the method specified in subsection (e)(4) and less than 122 m/s (400 ft/s) is allowed.

5) An air-assisted flare must be designed and operated with an exit velocity less than the velocity, V as determined by the method specified in subsection (e)(5) below.

6) A flare used to comply with this Section must be steam-assisted, air-assisted, or nonassisted.

e) Compliance determination and equations.

1) Reference Method 22 in 40 CFR 60, incorporated by reference in 35 Ill. Adm. Code 720.111, must be used to determine the compliance of a flare with the visible emission provisions of this Subpart. The observation period is 2 hours and must be used according to Method 22.

2) The net heating value of the gas being combusted in a flare must be calculated using the following equation:

$$H[T] = K \times \sum_{i=1}^n C[i] \times H[i]$$

$$H = K \times \sum_{i=1}^n C[i] \times H[i]$$

Where:

H[T] is the net heating value of the sample in MJ/scm; where the net enthalpy per mole of offgas is based on combustion at 25° C and 760 mm Hg, but the standard temperature for determining the volume corresponding to 1 mole is 20° C.

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$K = 1.74 \times 10^{-7} \frac{B}{T} (1/\text{ppm})$ (g mol/scm) (MJ/kcal) where standard temperature for a (g mol/scm) 20° C.

$\text{SUM}_{i=1}^n X[i]$ means the sum of the values of X for each component i, from i=1 to n.

C[i] is the concentration of sample component i in ppm on a wet basis, as measured for organics by Reference Method 18 in 40 CFR 60, and for carbon monoxide, by ASTM D 1946-90, incorporated by reference in 35 Ill. Adm. Code 720.111.

H[i] is the net heat of combustion of sample component i, kcal/gmol at 25° C and 760 mm Hg. The heats of combustion must be determined using ASTM D 2382-88, incorporated by reference in 35 Ill. Adm. Code 720.111, if published values are not available or cannot be calculated.

3) The actual exit velocity of a flare must be determined by dividing the volumetric flow rate (in units of standard temperature and pressure), as determined by Reference Methods 2, 2A, 2C, or 2D in 40 CFR 60, incorporated by reference in 35 Ill. Adm. Code 720.111, as appropriate, by the unobstructed (free) cross-sectional area of the flare tip.

4) The maximum allowed velocity in m/s, V for a flare complying with subsection (d)(4)(C) above must be determined by the following equation:

$$\text{Log}[10] V[\text{max}] = \frac{H[T] + 28.8}{31.7}$$

$$566 \text{ (V)} = \frac{H - 28.8}{31.7}$$

Where:

566Log[10] means logarithm to the base 10

H is the net heating value as determined in subsection (e)(2) above.

5) The maximum allowed velocity in m/s, V for an air-assisted flare must be determined by the following equation:

$$V = 8.706 + 0.7084 H[T]$$

$$V = 8.706 + 0.7084 H$$

Where:

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H is the net heating value as determined in subsection (e)(2) above.

f) The owner or operator shall monitor and inspect each control device required to comply with this Section to ensure proper operation and maintenance of the control device by implementing the following requirements:

i) Install, calibrate, maintain, and operate according to the manufacturer's specifications a flow indicator that provides a record of vent stream flow from each affected process vent to the control device at least once every hour. The flow indicator control device must be installed in the vent stream at the nearest feasible point to the control device inlet but before being combined with other vent streams.

2) Install, calibrate, maintain, and operate according to the manufacturer's specifications a device to continuously monitor control device operation as specified below:

A) For a thermal vapor incinerator, a temperature monitoring device equipped with a continuous recorder. The device must have accuracy of ± 1 percent of the temperature being monitored in $^{\circ}\text{C}$ or $\pm 0.5^{\circ}\text{C}$, whichever is greater. The temperature sensor must be installed at a location in the combustion chamber downstream of the combustion zone.

B) For a catalytic vapor incinerator, a temperature monitoring device equipped with a continuous recorder. The device must be capable of monitoring temperature at two locations and have an accuracy of ± 1 percent of the temperature being monitored in $^{\circ}\text{C}$ or $\pm 0.5^{\circ}\text{C}$, whichever is greater. One temperature sensor must be installed in the vent stream at the nearest feasible point to the catalyst bed inlet and a second temperature sensor must be installed in the vent stream at the nearest feasible point to the catalyst bed outlet.

C) For a flare, a heat sensing monitoring device equipped with a continuous recorder that indicates the continuous ignition of the pilot flame.

D) For a boiler or process heater having a design heat input capacity less than 44 MW, a temperature monitoring device equipped with a continuous recorder. The device must have an accuracy of ± 1 percent of the temperature being monitored in $^{\circ}\text{C}$ or $\pm 0.5^{\circ}\text{C}$, whichever is greater. The temperature sensor must be installed at a location in the furnace downstream of the combustion zone.

E) For a boiler or process heater having a design heat input capacity greater than or equal to 44 MW, a monitoring device equipped with a continuous recorder to measure ~~a~~ ~~parameters~~ parameters that indicates good combustion operating practices are being used.

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F) For a condenser, either:

i) A monitoring device equipped with a continuous recorder to measure the concentration level of the organic compounds in the exhaust vent stream from the condenser; or

ii) A temperature monitoring device equipped with a continuous recorder. The device must be capable of monitoring temperature at two locations and have an accuracy of ± 1 percent of the temperature being monitored in $^{\circ}\text{C}$ or $\pm 0.5^{\circ}\text{C}$, whichever is greater. One temperature sensor must be installed at a location in the exhaust vent stream from the condenser, and a second temperature sensor must be installed at a location in the coolant fluid exiting the condenser.

G) For a carbon adsorption system such as a fixed-bed carbon adsorber that regenerates the carbon bed directly in the control device, either:

i) A monitoring device equipped with a continuous recorder to measure the concentration level of the organic compounds in the exhaust vent stream from the carbon bed; or

ii) A monitoring device equipped with a continuous recorder to measure a parameter that indicates the carbon bed is regenerated on a regular, predetermined time cycle.

3) Inspect the reading from each monitoring device required by subsection (f)(1) and (f)(2) above at least once each operating day to check control device operation and, if necessary, immediately implement the corrective measure necessary to ensure the control device operates in compliance with the requirements of this Section.

g) An owner or operator using a carbon adsorption system such as a fixed-bed carbon adsorber that regenerates the carbon bed directly onsite in the control device shall replace the existing carbon in the control device with fresh carbon at a regular, predetermined time interval that is no longer than the carbon service life established as a requirement of Section 725.935(b)(4)(C)(vi).

h) An owner or operator using a carbon adsorption system such as a carbon canister that does not regenerate the carbon bed directly onsite in the control device shall replace the existing carbon in the control device with fresh carbon on a regular basis by using one of the following procedures:

1) Monitor the concentration level of the organic compounds in the exhaust vent stream from the carbon adsorption system on a regular schedule, and replace the existing carbon with fresh carbon immediately when carbon breakthrough is indicated. The monitoring frequency must be daily or at an interval no greater

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than 20 percent of the time required to consume the total carbon working capacity established as a requirement of Section 725.935(b)(4)(C)(vii), whichever is longer.

- 2) Replace the existing carbon with fresh carbon at a regular, predetermined time interval that is less than the design carbon replacement interval established as a requirement of Section 725.935(b)(4)(C)(vii).

- i) An owner or operator of an affected facility seeking to comply with the provisions of this Part by using a control device other than a thermal vapor incinerator, catalytic vapor incinerator, flare, boiler, process heater, condenser, or carbon adsorption system is required to develop documentation including sufficient information to describe the control device operation and identify the process parameter or parameters that indicate proper operation and maintenance of the control device.

- j) Closed vent systems.

- 1) Closed-vent systems must be designed for and operated with no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background and by visual inspections, as determined by the methods specified at Section 725.934(b).

- 2) Closed-vent systems must be monitored to determine compliance with this Section during the initial leak detection monitoring, which must be conducted by the date that the facility becomes subject to the provisions of this Section annually, and at other times as specified by the Agency pursuant to Section 725.930(c). For the annual leak detection monitoring after the initial leak

detection monitoring, the owner or operator is not required to monitor those closed-vent system components that continuously operate in vacuum service or those closed vent system joints, seams, or other connections that are permanently or semi-permanently sealed (e.g., a welded joint between two sections of metal pipe or a bolted and gasketed pipe flange).

- 3) Detectable emissions, as indicated by an instrument reading greater than 500 ppm and visual inspections, must be controlled as soon as practicable, but not later than 15 calendar days after the emission is detected.

- 4) A first attempt at repair must be made no later than 5 calendar days after the emission is detected.

- k) Closed-vent systems and control devices used to comply with provisions of this Subpart must be operated at all times when emissions may be vented to them.

- l) The owner or operator using a carbon adsorption system shall document that all carbon removed from the control device is managed in one of the following manners:

- 1) It is regenerated or reactivated in a thermal treatment unit that is permitted under 35 Ill. Adm. Code 724.Subpart X or 725.Subpart P;
- 2) It is incinerated by a process that is permitted under 35 Ill.

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Adm. Code 724.Subpart O or 725.Subpart O; or

- 3) It is burned in a boiler or industrial furnace that is permitted under 35 Ill. Adm. Code 726.Subpart H.

(Source: Amended at 19 Ill. Reg. **9566**, effective **JUN 27 1995**)

SUBPART BB: AIR EMISSION STANDARDS FOR EQUIPMENT LEAKS

Section 725.963 Test Methods and Procedures

- a) Each owner or operator subject to the provisions of this Subpart shall comply with the test methods and procedures requirements provided in this Section.

- b) Leak detection monitoring, as required in Sections 725.952 through 725.962, must comply with the following requirements:

- 1) Monitoring must comply with Reference Method 21 in 40 CFR 60, incorporated by reference in 35 Ill. Adm. Code 720.111.

- 2) The detection instrument must meet the performance criteria of Reference Method 21.

- 3) The instrument must be calibrated before use on each day of its use by the procedures specified in Reference Method 21.

- 4) Calibration gases must be:
 - A) Zero air (less than 10 ppm of hydrocarbon in air).
 - B) A mixture of methane or n-hexane and air at a concentration of approximately, but less than, 10,000 ppm methane or n-hexane.

- 5) The instrument probe must be traversed around all potential leak interfaces as close to the interface as possible as described in Reference Method 21.

- c) When equipment is tested for compliance with no detectable emissions, as required in Sections 725.952(e), 725.953(i), 725.954, and 725.957(f), the test must comply with the following requirements:

- 1) The requirements of subsections (b)(1) through (b)(4) above apply.
- 2) The background level must be determined as set forth in Reference Method 21.
- 3) The instrument probe must be traversed around all potential leak interfaces as close to the interface as possible as described in Reference Method 21.
- 4) This arithmetic difference between the maximum concentration indicated by the instrument and the background level is compared with 500 ppm for determining compliance.

- d) In accordance with the waste analysis plan required by Section 725.113(b), an owner or operator of a facility shall determine, for each piece of equipment, whether the equipment contains or contacts a hazardous waste with organic concentration that equals or exceeds 10 percent by weight using the following:

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- 1) Methods described in ASTM Methods D 2267-88, E 168-88, E 169-87, or E 260-85, incorporated by reference in 35 Ill. Adm. Code 720.111;
- 2) Method 9060 or 8240 of SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111; or
- 3) Application of the knowledge of the nature of the hazardous waste stream or the process by which it was produced. Documentation of a waste determination by knowledge is required. Examples of documentation that must be used to support a determination under this provision include production process information documenting that no organic compounds are used, information that the waste is generated by a process that is identical to a process at the same or another facility that has previously been demonstrated by direct measurement to have a total organic content less than 10 percent, or prior speciation analysis results on the same wastestream where it is also documented that no process changes have occurred since that analysis that could affect the waste total organic concentration.
- e) If an owner or operator determines that a piece of equipment contains or contacts a hazardous waste with organic concentrations at least 10 percent by weight, the determination can be revised only after following the procedures in subsection (d)(1) or (d)(2) above.
- f) When an owner or operator and the Agency do not agree on whether a piece of equipment contains or contacts a hazardous waste with organic concentrations at least 10 percent by weight, the procedures in subsection (d)(1) or (d)(2) above must be used to resolve the dispute.
- g) Samples used in determining the percent organic content must be representative of the highest total organic content hazardous waste that is expected to be contained in or contact the equipment.
- h) To determine if pumps or valves are in light liquid service, the vapor pressures of constituents must either be obtained from standard reference texts or be determined by ASTM D-2879-86, incorporated by reference in 35 Ill. Adm. Code 720.111.
- i) Performance tests to determine if a control device achieves 95 weight percent organic emission reduction must comply with the procedures of Section 725.934(c)(1) through (c)(4).

(Source: Amended 19 Ill. Reg. 9566, effective JUN 27 1995)

SUBPART CC: AIR EMISSION STANDARDS FOR TANKS,
SURFACE IMPOUNDMENTS, AND CONTAINERS

Section 725.980 Applicability

- a) The requirements of this Subpart apply, effective December 6, 1995, to owners and operators of all facilities that treat, store, or dispose of hazardous waste in tanks, surface impoundments, or containers

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subject to either 725.Subparts I, J, or K, except as Section 725.101 and subsection (b) below provide otherwise.

BOARD NOTE: U.S. EPA adopted these regulations at 59 Fed. Reg. 62896 (Dec. 6, 1994), effective June 6, 1995. At 60 Fed. Reg. 26828 (May 19, 1995), U.S. EPA delayed the effective date until December 6, 1995. If action by U.S. EPA or a decision of a federal court changes the effectiveness of these regulations, the Board does not intend that the 725.Subpart CC rules be enforceable to the extent that they become more stringent than the federal regulations upon which they are based. The requirements of this Subpart do not apply to the following waste management units at the facility:

- b)
 - 1) A waste management unit that holds hazardous waste placed in the unit before December 6, 1995 and in which no hazardous waste is added to the unit on or after this date.
 - 2) A container that has a design capacity less than or equal to 0.1 m(3) (3.5 ft(3) or 26.4 gal).
 - 3) A tank in which an owner or operator has stopped adding hazardous waste and the owner or operator has begun implementing or completed closure pursuant to an approved closure plan.
 - 4) A surface impoundment in which an owner or operator has stopped adding hazardous waste (except to implement an approved closure plan) and the owner or operator has begun implementing or completed closure pursuant to an approved closure plan.
 - 5) A waste management unit that is used solely for on-site treatment or storage of hazardous waste that is generated as the result of implementing remedial activities required pursuant to the Act or Board regulations or under the corrective action authorities of RCRA sections 3004(u), 3004(v) or 3008(h); CERCLA authorities; or similar federal or state authorities.
 - 6) A waste management unit that is used solely for the management of radioactive mixed waste in accordance with all applicable regulations under the authority of the Atomic Energy Act (42 U.S.C. 2011 et seq.) and the Nuclear Waste Policy Act.
- c) For the owner and operator of a facility subject to this Subpart who has received a final RCRA permit prior to December 6, 1995, the following requirements apply:
 - 1) The requirements of 35 Ill. Adm. Code 724.Subpart CC must be incorporated into the permit when the permit is reissued, renewed, or modified in accordance with the requirements of 35 Ill. Adm. Code 703 and 705.
 - 2) Until the date when the permit is reissued, renewed, or modified in accordance with the requirements of 35 Ill. Adm. Code 703 and 705, the owner and operator is subject to the requirements of this Subpart.

(Source: Amended 19 Ill. Reg. 9566, effective JUN 27 1995)

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Section 725.981 Definitions

As used in this Subpart and in 35 Ill. Adm. Code 724, all terms not defined herein shall have the meaning given to them in the Act and 35 Ill. Adm. Code 720 through 726.

"Average volatile organic concentration" or "average VO concentration" means the mass-weighted average volatile organic concentration of a hazardous waste, as determined in accordance with the requirements of Section 725.984.

"Cover" means a device or system that is placed on or over a hazardous waste such that the entire hazardous waste surface area is enclosed and sealed to reduce air emissions to the atmosphere. A cover may have openings such as access hatches, sampling ports, and gauge wells that are necessary for operation, inspection, maintenance, or repair of the unit on which the cover is installed provided that each opening is closed and sealed when not in use. Examples of covers include a fixed roof installed on a tank, a floating membrane cover installed on a surface impoundment, a lid installed on a drum, or an enclosure in which an open container is placed during waste treatment.

"External floating roof" means a pontoon or double-deck type floating roof that rests on the surface of a hazardous waste being managed in a tank that has no fixed roof.

"Fixed roof" means a rigid cover that is installed in a stationary position so that it does not move with fluctuations in the level of the hazardous waste placed in a tank.

Floating membrane cover" means a cover consisting of a synthetic flexible membrane material that rests upon and is supported by the hazardous waste being managed in a surface impoundment.

"Floating roof" means a pontoon-type or double-deck-type cover that rests upon and is supported by the hazardous waste being managed in a tank, and is equipped with a closure seal or seals to close the space between the cover edge and the tank wall.

"Internal floating roof" means a floating roof that rests or floats on the surface (but not necessarily in complete contact with it) of a hazardous waste being managed in a tank that has a fixed roof.

"Liquid-mounted seal" means a foam or liquid-filled primary seal mounted in contact with the hazardous waste between the tank wall and the floating roof, continuously around the circumference of the tank.

"Maximum organic vapor pressure" means the equilibrium partial

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pressure exerted by the hazardous waste contained in a tank, determined at the temperature equal to either:

The local maximum monthly average temperature as reported by the National Weather Service, when the hazardous waste is stored or treated at ambient temperature, or

The highest calendar-month average temperature of the hazardous waste, when the hazardous waste is stored at temperatures above the ambient temperature or when the hazardous waste is stored or treated at temperatures below the ambient temperature.

"No detectable organic emissions" means no escape of organics from a device or system to the atmosphere, as determined:

By an instrument reading less than 500 parts per million by volume (ppmv) above the background level at each joint, fitting, and seal, when measured in accordance with the requirements of Method 21 in 40 CFR 60, Appendix A, and
By no visible openings or defects in the device or system such as rips, tears, or gaps.

"Point of waste origination" means as follows:

When the facility owner or operator is the generator of the hazardous waste, the "point of waste origination" means the point where a solid waste produced by a system, process, or waste management unit is determined to be a hazardous waste, as defined in 35 Ill. Adm. Code 721.

BOARD NOTE: In this case, this term is being used in a manner similar to the use of the term "point of generation" in air standards established for waste management operations under authority of the Federal Clean Air Act in 40 CFR 60, 61, and 63.

When the facility owner and operator are not the generator of the hazardous waste, "point of waste origination" means the point where the owner or operator accepts delivery or takes possession of the hazardous waste.

"Point of waste treatment" means the point where a hazardous waste exits a waste management unit used to destroy, degrade, or remove organics in the hazardous waste.

"Vapor-mounted seal" means a foam-filled primary seal mounted continuously around the circumference of the tank so that there is an annular vapor space underneath the seal. The annular vapor space is bounded by the bottom of the primary seal, the tank wall, the hazardous waste surface, and the floating roof.

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"Volatile organic concentration" or "VO concentration" means the fraction by weight of organic compounds in a hazardous waste expressed in terms of parts per million (ppmw), as determined by direct measurement, using Method 25D, or by knowledge of the waste, in accordance with the requirements of Section 725.984.

"Waste determination" means performing all applicable procedures in accordance with the requirements of Section 725.984 to determine whether a hazardous waste meets standards specified in this Subpart. Examples of a waste determination include performing the procedures in accordance with the requirements of Section 725.984 to determine the average VO concentration of a hazardous waste at the point of waste origination, determining the average VO concentration of a hazardous waste at the point of waste treatment and comparing the results to the exit concentration limit specified for the process used to treat the hazardous waste, determining the organic reduction efficiency and the organic biodegradation efficiency for a biological process used to treat a hazardous waste and comparing the results to the applicable standards, or determining the maximum volatile organic vapor pressure for a hazardous waste in a tank and comparing the results to the applicable standards.

"Waste stabilization process" means any physical or chemical process used to either reduce the mobility of hazardous constituents in a hazardous waste or eliminate free liquids as determined by Test Method 9095 (Paint Filter Liquids Test) in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", incorporated by reference in Section 720.111. A waste stabilization process includes mixing the hazardous waste with binders or other materials and curing the resulting hazardous waste and binder mixture. Other synonymous terms used to refer to this process are "waste fixation" or "waste solidification".

(Source: Added 19 Ill. Reg. 9566, effective
JUN 27 1995)

Section 725.982 Schedule for Implementation of Air Emission Standards

a) Owners or operators of facilities existing on December 6, 1995 and subject to 725.Subparts I, J, and K shall meet the following requirements:

- 1) The owner or operator shall install and begin operation of all control equipment required by this Subpart by December 6, 1995, except as provided in subsection (a)(2) below.
- 2) When control equipment required by this Subpart cannot be installed and in operation by December 6, 1995, the owner or operator shall:
 - A) Install and begin operation of the control equipment as soon

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as possible, but in no case later than December 8, 1997. Prepare an implementation schedule that includes the following information: specific calendar dates for award of contracts or issuance of purchase orders for the control equipment, initiation of on-site installation of the control equipment, completion of the control equipment installation, and performance of any testing to demonstrate that the installed equipment meets the applicable standards of this Subpart.

B) For facilities subject to the recordkeeping requirements of Section 725.173, the owner or operator shall enter the implementation schedule specified in subsection (a)(2)(B) above in the operating record no later than December 6, 1995.

C) For facilities not subject to Section 725.173 above, the owner or operator shall enter the implementation schedule specified in subsection (a)(2)(B) of this section in a permanent, readily available file located at the facility no later than December 6, 1995.

b) An owner or operator of facilities in existence on the effective date of statutory or regulatory amendments under the Act that render the facility subject to 725.Subparts I, J, or K shall meet the following requirements:

1) The owner or operator shall install and begin operation of all control equipment required by this Subpart by the effective date of the amendment, except as provided in subsection (b)(2) below.

2) When control equipment required by this Subpart cannot be installed and begin operation by the effective date of the amendment, the owner or operator shall:

A) Install and operate the control equipment as soon as possible, but in no case later than 30 months after the effective date of the amendment.

B) For facilities subject to the recordkeeping requirements of Section 725.173, enter and maintain the implementation schedule specified in subsection (a)(2)(B) above in the operating record no later than the effective date of the amendment, or

C) For facilities not subject to Section 725.173, the owner or operator shall enter and maintain the implementation schedule specified in subsection (a)(2)(B) above in a permanent, readily available file, located at the facility site, no later than the effective date of the amendment.

c) The Agency may elect to extend the implementation date for control equipment at a facility, on a case by case basis, to a date later than December 8, 1997:

1) When special circumstances that are beyond the facility owner's or operator's control delay installation or operation of control equipment, and

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- 2) The owner or operator has made all reasonable and prudent attempts to comply with the requirements of this Subpart.

(Source: Added at 19 Ill. Reg. 9566, effective JUN 27 1995)

Section 725.983 Standards: General

- a) This Section applies to the management of hazardous waste in tanks, surface impoundments, and containers subject to this Subpart.
- b) The owner or operator shall control air emissions from each waste management unit in accordance with standards specified in Sections 725.985 through Section 725.988, as applicable to the waste management unit, except as provided for in subsection (c) below.

- c) A waste management unit is exempted from standards specified in Section 725.985 through Section 725.988, provided that all hazardous waste placed in the waste management unit is determined by the owner or operator to meet either of the following conditions:

- 1) The average VO concentration of the hazardous waste at the point of waste origination is less than 100 parts per million by weight (ppmw). The average VO concentration must be determined by the procedures specified in Section 725.984(a).

- 2) The organic content of the hazardous waste has been reduced by an organic destruction or removal process that achieves any one of the following conditions:

- A) The process removes or destroys the organics contained in the hazardous waste to such a level that the average VO concentration of the hazardous waste at the point of waste treatment is less than the exit concentration limit (C(t)) established for the process. The average VO concentration of the hazardous waste at the point of waste treatment and the exit concentration limit for the process must be determined using the procedures specified in Section 725.984(b).

- B) The process removes or destroys the organics contained in the hazardous waste to such a level that the organic reduction efficiency (R) for the process is equal to or greater than 95 percent, and the average VO concentration of the hazardous waste at the point of waste treatment is less than 50 ppmw. The organic reduction efficiency for the process and the average VO concentration of the hazardous waste at the point of waste treatment must be determined using the procedures specified in Section 725.984(b).

- C) The process removes or destroys the organics contained in the hazardous waste to such a level that the actual organic mass removal rate (MR) for the process is greater than the required organic mass removal rate (RMR) established for the process. The required organic mass removal rate and the

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actual organic mass removal rate for the process must be determined using the procedures specified in Section 725.984(b).

- D) The process is a biological process that destroys or degrades the organics contained in the hazardous waste so that either of the following conditions is met:

- i) The organic reduction efficiency (R) for the process is equal to or greater than 95 percent, and the organic biodegradation efficiency (R(bio)) for the process is equal to or greater than 95 percent. The organic reduction efficiency and the organic biodegradation efficiency for the process must be determined in accordance with the procedures specified in Section 725.984(b).

- ii) The total actual organic mass biodegradation rate (MR(bio)) for all hazardous waste treated by the process is equal to or greater than the required organic mass removal rate (RMR). The required organic mass removal rate and the actual organic mass biodegradation rate for the process must be determined using the procedures specified in Section 725.984(b).

- E) The process is one that removes or destroys the organics contained in the hazardous waste and meets all of the following conditions:

- i) All of the materials entering the process are hazardous wastes.

- ii) From the point of waste origination through the point where the hazardous waste enters the process, the hazardous waste is continuously managed in waste management units that use air emission controls in accordance with the standards specified in Section 725.985 through Section 725.988, as applicable to the waste management unit.

- iii) The average VO concentration of the hazardous waste at the point of waste treatment is less than the lowest average VO concentration at the point of waste origination determined for each of the individual hazardous waste streams entering the process or 100 ppmw, whichever value is lower. The average VO concentration of each individual hazardous waste stream at the point of waste origination must be determined using the procedure specified in Section 725.984(a). The average VO concentration of the hazardous waste at the point of waste treatment must be determined using the procedure specified in Section 725.984(b).

- F) A hazardous waste incinerator for which the owner or operator has either:

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- i) Been issued a final permit under 35 Ill. Adm. Code 703 and 705, and the owner or operator designs and operates the unit in accordance with the requirements of 35 Ill. Adm. Code 724.Subpart O; or
- ii) The owner or operator has certified compliance for the unit with the interim status requirements of 25.Subpart O.
- G) A boiler or industrial furnace for which the owner or operator has elected:
- i) Been issued a final permit under 35 Ill. Adm. Code 703 and 705, and the owner or operator designs and operates the unit in accordance with the requirements of 35 Ill. Adm. Code 726.Subpart H, or
- ii) The owner or operator has certified compliance for the unit with the interim status requirements of 35 Ill. Adm. Code 726.Subpart H.
- d) When a process is used for the purpose of treating a hazardous waste to meet one of the sets of conditions specified in subsections (c)(2)(A) through (c)(2)(E) above, each material removed from or exiting the process that is not a hazardous waste but which has an average VO concentration equal to or greater than 100 ppmw must be managed in a waste management unit in accordance with the requirements of subsection (b) above.
- e) The Agency may at any time perform or request that the owner or operator perform a waste determination for a hazardous waste managed in a tank, surface impoundment, or container that is exempted from using air emission controls under the provisions of this Section as follows:
- i) The waste determination for average VO concentration of a hazardous waste at the point of waste origination must be performed using direct measurement in accordance with the applicable requirements of Section 725.984(a). The waste determination for a hazardous waste at the point of waste treatment must be performed in accordance with the applicable requirements of Section 725.984(b).
- 2) Where the owner or operator is requested to perform the waste determination, the Agency may elect to have an authorized representative observe the collection of the hazardous waste samples used for the analysis.
- 3) Where the results of the waste determination performed or requested by the Agency do not agree with the results of a waste determination performed by the owner or operator using knowledge of the waste, then the results of the waste determination performed in accordance with the requirements of subsection (e)(1) above must be used to establish compliance with the requirements of this Subpart.
- 4) Where the owner or operator has used an averaging period greater than one hour for determining the average VO concentration of a

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hazardous waste at the point of waste origination, the Agency may elect to establish compliance with this Subpart by performing or requesting that the owner or operator perform a waste determination using direct measurement, based on waste samples collected within a 1-hour period as follows:

- A) The average VO concentration of the hazardous waste at the point of waste origination must be determined by direct measurement in accordance with the requirements of Section 725.984(a).
- B) Results of the waste determination performed or requested by the Agency showing that the average VO concentration of the hazardous waste at the point of waste origination is equal to or greater than 100 ppmw shall constitute noncompliance with this Subpart, except in a case as provided for in subsection (e)(4)(C) below.
- C) Where the average VO concentration of the hazardous waste at the point of waste origination previously has been determined by the owner or operator using an averaging period greater than one hour to be less than 100 ppmw but because of normal operating process variations the VO concentration of the hazardous waste determined by direct measurement for any given 1-hour period may be equal to or greater than 100 ppmw, information that was used by the owner or operator to determine the average VO concentration of the hazardous waste (e.g., test results, measurements, calculations, and other documentation) and recorded in the facility records in accordance with the requirements of Sections 725.984(a) and 725.990 must be considered by the Agency together with the results of the waste determination performed or requested by the Agency in establishing compliance with this Subpart.

(Source: Added at 19 Ill. Reg. 9566, effective JUN 27 1995)

Section 725.984 Waste Determination Procedures

- a) Waste determination procedure for volatile organic (VO) concentration of a hazardous waste at the point of waste origination.
- 1) An owner or operator shall determine the average VO concentration at the point of waste origination for each hazardous waste placed in a waste management unit exempted under the provisions of Section 725.983(c)(1) from using air emission controls in accordance with standards specified in Section 725.985 through Section 725.988, as applicable to the waste management unit.
- 2) When the facility owner or operator is the generator of the hazardous waste, the owner or operator shall determine the average VO concentration of the hazardous waste using either

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direct measurement, as specified in subsection (a)(5) below, or knowledge of the waste, as specified in subsection (a)(6) below, for each hazardous waste generated as follows:

A) When the hazardous waste is generated as part of a continuous process, the owner or operator shall:

- i) Perform an initial waste determination of the average VO concentration of the waste stream before the first time any portion of the material in the waste stream is placed in a waste management unit subject to this Subpart and thereafter update the information used for the waste determination at least once every 12 months following the date of the initial waste determination; and

- ii) Perform a new waste determination whenever changes to the source generating the waste stream are reasonably likely to cause the average VO concentration of the hazardous waste to increase to a level that is equal to or greater than the applicable VO concentration limits specified in Section 725.983.

B) When the hazardous waste is generated as part of a batch process that is performed repeatedly but not necessarily continuously, the owner or operator shall:

- i) Perform an initial waste determination of the average VO concentration for one or more representative waste batches generated by the process, before the first time any portion of the material in the batches is placed in a waste management unit subject to this Subpart, and thereafter update the information used for the waste determination at least once every 12 months following the date of the initial waste determination; and

- ii) Perform a new waste determination whenever changes to the process generating the waste batches are reasonably likely to cause the average VO concentration of the hazardous waste to increase to a level that is equal to or greater than the applicable VO concentration limits specified in Section 725.983.

3) When the facility owner and operator is not the generator of the hazardous waste, the owner or operator shall determine the average VO concentration of the hazardous waste using either direct measurement, as specified in subsection (a)(5) below, or knowledge of the waste, as specified in subsection (a)(6) below, for each hazardous waste entering the facility as follows:

A) When the hazardous waste enters the facility as a continuous flow of material through a pipeline or other means (e.g., wastewater stream), the owner or operator shall:

- i) Perform an initial waste determination of the waste stream before the first time any portion of the

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material in the waste stream is placed in a waste management unit subject to this Subpart, and thereafter update the information used for the waste determination at least once every 12 months following the date of the initial waste determination; and

- ii) Perform a new waste determination whenever changes to the source generating the waste stream are reasonably likely to cause the average VO concentration of the hazardous waste to increase to a level that is equal to or greater than the applicable VO concentration limits specified in Section 725.983.

B) When the hazardous waste enters the facility in a container, the owner or operator shall perform a waste determination for the material held in each container.

- i) Where the average VO concentration of the hazardous waste is determined by the owner or operator to be less than 100 ppmw, but because of normal operating variations in the source or process generating the hazardous waste the VO concentration of the hazardous waste may be equal to or greater than 100 ppmw at any given time during the averaging period, the owner or operator shall prepare and enter in the facility operating record information that specifies the following:
 - A) The maximum and minimum VO concentration values for the hazardous waste that occur during that averaging period used for the waste determination;
 - B) The operating conditions or circumstances under which the VO concentration of the hazardous waste will be equal to or greater than 100 ppmw; and
 - C) The information and calculations used by the owner or operator to determine the average VO concentration of the hazardous waste.

- 5) Procedure for using direct measurement to determine average VO concentration of a hazardous waste at the point of waste origination.
 - A) The owner or operator shall identify and record the point of waste origination for the hazardous waste. All waste samples used to determine the average VO concentration of the hazardous waste must be collected at this point.
 - B) The owner or operator shall designate and record the averaging period to be used for determining the average VO concentration for the hazardous waste. The averaging period must not exceed one year. An initial waste determination must be performed for each averaging period.
 - C) The owner or operator shall identify each discrete quantity of the material composing the hazardous waste represented by the averaging period designated in subsection (a)(5)(B) above. An example of a discrete quantity of material composing a hazardous waste generated as part of a

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continuous process is the quantity of material generated during a process operating mode defined by a specific set of operating conditions that are normal for the process. An example of a discrete quantity of material composing a hazardous waste generated as part of a batch process that is performed repeatedly but not necessarily continuously is the total quantity of material composing a single batch generated by the process. An example of a discrete quantity of material composing a hazardous waste delivered to a facility in a container is the total quantity of material held in the container.

D) The following procedure must be used measure the VO concentration for each discrete quantity of material identified in subsection (a)(5)(C) above:

i) A sufficient number of samples, but in no case fewer than four, must be collected to represent the organic composition for the entire discrete quantity of hazardous waste being tested. All of the samples must be collected within a 1-hour period. Sufficient information must be prepared and recorded to document the waste quantity represented by the samples and, as applicable, the operating conditions for the source or process generating the hazardous waste represented by the samples.

ii) Each sample must be collected in accordance with the requirements specified in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", incorporated by reference in Section 720.111.

iii) Each collected sample must be prepared and analyzed in accordance with the requirements of Method 25D in 40 CFR 60, Appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111.

iv) The measured VO concentration for the discrete quantity of hazardous waste must be determined by using the results for all samples analyzed in accordance with subsection (a)(5)(D)(iii) above and the following equation:

$$C = \frac{1}{n} \times \sum_{i=1}^n C(i)$$

Where:

C = Measured VO concentration of the discrete quantity of hazardous waste, in ppmw.

i = Individual sample "i" of the hazardous waste

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collected in accordance with the requirements of SW-846.

n = Total number of samples of hazardous waste collected (at least 4) within a 1-hour period.

C(i) = VO concentration measured by Method 25D for sample "i", in ppmw.

E) The average VO concentration of the hazardous waste must be determined using the following procedure:

i) When the facility owner or operator is the generator of the hazardous waste, a sufficient number of VO concentration measurements for the hazardous waste must be performed in accordance with the requirements of subsection (a)(5)(D) above to represent the complete range of hazardous waste organic compositions and quantities that occur during the entire averaging period due to normal variations in the operating conditions for each process operating mode identified for the source or process generating the hazardous waste.

ii) When the facility owner or operator is not the generator of the hazardous waste, a sufficient number of VO concentration measurements for the hazardous waste must be performed in accordance with the requirements of subsection (a)(5)(D) above to represent the complete range of hazardous waste organic compositions and quantities that occur in the hazardous waste as received at the facility during the entire averaging period.

iii) The average VO concentration of the hazardous waste at the point of waste origination must be calculated by using the results for all VO measurements performed in accordance with subsection (a)(5)(D) above and the following equation:

$$C[ave] = \frac{1}{m} \times \sum_{j=1}^m C(j)$$

Where:

C[ave] = Average VO concentration of the hazardous waste at the point of waste origination, in ppmw.

j = Individual discrete quantity "j" of the hazardous waste for which a VO concentration measurement is

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determined in accordance with the requirements of subsection (a)(5)(D) above.

m = Total number of VO concentration measurements determined in accordance with the requirements of subsection (a)(5)(D) above for the averaging period.

Q[j] = Mass of the discrete quantity of the hazardous waste represented by C[j], in kg.

Q[T] = Total mass of the hazardous waste for the averaging period, in kg.

C[j] = Measured VO concentration of discrete quantity "j" for the hazardous waste determined in accordance with the requirements of subsection (a)(5)(D) above, in ppmw.

6) Procedure for using knowledge of the waste to determine the average VO concentration of a hazardous waste at the point of waste origination.

A) The owner or operator shall identify and record the point of waste origination for the hazardous waste. All information used to determine the average VO concentration of the hazardous waste must be based on the hazardous waste composition at this point.

B) The owner or operator shall designate and record the averaging period to be used for determining the average VO concentration for the hazardous waste. The averaging period must not exceed one year. An initial waste determination must be performed for each averaging period.

C) The owner or operator shall prepare and record sufficient information that documents the average VO concentration for the hazardous waste. Information may be used that is prepared by either the facility owner or operator or by the generator of the hazardous waste. Examples of information that may be used as the basis for knowledge of the waste include: organic material balances for the source or process generating the waste; VO concentration measurements for the same type of waste performed in accordance with the procedure specified in subsection (a)(5)(D) above; previous individual organic constituent test data for the waste that are still applicable to the current waste management practices; documentation that the waste is generated by a process for which no organics-containing materials are used; previous test data for other locations managing the same type of waste; or other knowledge based on manifests, shipping papers, or waste certification notices.

D) If test data other than VO concentration measurements

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performed in accordance with the procedure specified in subsection (a)(5)(D) above are used as the basis for knowledge of the waste, then the owner or operator shall document the test method, sampling protocol, and the means by which sampling variability and analytical variability are accounted for in the determination of the average VO concentration. For example, an owner or operator may use individual organic constituent concentration test data that are validated in accordance with Method 301 in 40 CFR 63, Appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111, as the basis for knowledge of the waste.

b) Waste determination procedures for treated hazardous waste.

i) An owner or operator shall perform the applicable waste determination for each treated hazardous waste placed in a waste management unit exempted under the provisions of Section 725.983(c)(2) from using air emission controls in accordance with standards specified in Section 725.985 through Section 725.988, as applicable to the waste management unit.

2) The owner or operator shall perform a waste determination for each discrete quantity of treated hazardous waste as follows:

A) When the hazardous waste is treated by a continuous process, the owner or operator shall:

i) Perform an initial waste determination for the treated waste stream before the first time any portion of the material in the waste stream is placed in a waste management unit subject to this Subpart, and thereafter update the information used for the waste determination at least once every 12 months following the date of the initial waste determination; and

ii) Perform a new waste determination whenever changes to the hazardous waste streams fed to the process are reasonably likely to cause the characteristics of the hazardous waste at the point of waste treatment to change to levels that fail to achieve the applicable conditions specified in Section 725.983(c)(2).

B) When the hazardous waste is treated by a batch process that is performed repeatedly but not necessarily continuously, the owner or operator shall:

i) Perform an initial waste determination for the treated hazardous waste in one or more representative batches treated by the process, and thereafter update the information used for the waste determination at least once every 12 months following the date of the initial waste determination; and

ii) Perform a new waste determination whenever changes to the hazardous waste treated by the process are reasonably likely to cause the characteristics of the hazardous waste at the point of waste treatment to

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change to levels that fail to achieve the applicable conditions specified in Section 725.983(c)(2).

- 3) The owner or operator shall designate and record the specific provision in Section 725.983(c)(2) for which the waste determination is being performed. The waste determination for the treated hazardous waste must be performed using the applicable procedures specified in subsections (b)(4) through (b)(10) below.

- 4) Procedure to determine the average VO concentration of a hazardous waste at the point of waste treatment.

A) The owner or operator shall identify and record the point of waste treatment for the hazardous waste. All waste samples used to determine the average VO concentration of the hazardous waste must be collected at this point.

B) The owner or operator shall designate and record the averaging period to be used for determining the average VO concentration for the hazardous waste. The averaging period must not exceed one year. An initial waste determination must be performed for each averaging period.

C) The owner or operator shall identify each discrete quantity of the material composing the hazardous waste represented by the averaging period designated in subsection (b)(4)(B) above.

D) The following procedure shall be used to measure the VO concentration for each discrete quantity of material identified in subsection (b)(4)(C) above:

- i) A sufficient number of samples, but in no case fewer than four samples, must be collected to represent the organic composition for the entire discrete quantity of hazardous waste being tested. All of the samples must be collected within a 1-hour period. Sufficient information must be prepared and recorded to document the waste quantity represented by the samples and, as applicable, the operating conditions for the process treating the hazardous waste represented by the samples.

ii) Each sample must be collected in accordance with the requirements specified in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", incorporated by reference in 35 Ill. Adm. Code 720.111.

iii) Each collected sample must be prepared and analyzed in accordance with the requirements of Method 25D in 40 CFR 60, Appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111.

iv) The measured VO concentration for the discrete quantity of hazardous waste must be determined by using the results for all samples analyzed in accordance with subsection (b)(4)(E)(iii) above and

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the following equation:

$$C = \frac{\sum_{i=1}^n C(i)}{n}$$

Where:

C = Measured VO concentration of the discrete quantity of hazardous waste, in ppmw.

i = Individual sample "i" of the hazardous waste collected in accordance with the requirements of SW-846.

n = Total number of samples of hazardous waste collected (at least 4) within a 1-hour period.

C(i) = VO concentration measured by Method 25D for sample "i", in ppmw.

E) The average VO concentration of the hazardous waste at the point of waste treatment must be determined using the following procedure:

i) When the facility owner or operator is the generator of the hazardous waste, a sufficient number of VO concentration measurements for the hazardous waste must be performed in accordance with the requirements of subsection (b)(4)(D) above to represent the complete range of hazardous waste organic compositions and quantities treated by the process during the entire averaging period.

ii) The average VO concentration of the hazardous waste at the point of waste treatment must be calculated by using the results for all VO measurements performed in accordance with subsection (b)(4)(D) above and the following equation:

$$C(\text{ave}) = \frac{1}{m} \sum_{j=1}^m Q(T) \times \text{SUM } (Q(j) \times C(j))$$

Where:

C(ave) = Average VO concentration of the hazardous waste at the point of waste origination, in ppmw.

j = Individual discrete quantity "j" of the hazardous

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waste for which a VO concentration measurement is determined in accordance with the requirements of subsection (b)(4)(D) above.

m = Total number of VO concentration measurements determined in accordance with the requirements of subsection (b)(4)(D) above for the averaging period.

$Q[j]$ = Mass of the discrete quantity of the hazardous waste represented by $C[j]$, in kg.

$Q[T]$ = Total mass of the hazardous waste for the averaging period, in kg.

$C[j]$ = Measured VO concentration of discrete quantity "j" for the hazardous waste determined in accordance with the requirements of subsection (b)(4)(D) above, in ppmw.

5) Procedure to determine the exit concentration limit ($C[t]$) for a treated hazardous waste.

A) The point of waste origination for each hazardous waste treated by the process at the same time must be identified.

B) If a single hazardous waste stream is identified in subsection (b)(5)(A) above, then the exit concentration limit ($C[t]$) must be 100 ppmw.

C) If more than one hazardous waste stream is identified in subsection (b)(5)(A) above, then the VO concentration of each hazardous waste stream at the point of waste origination must be determined in accordance with the requirements of subsection (a) above. The exit concentration limit ($C[t]$) must be calculated by using the results determined for each individual hazardous waste stream and the following equation:

$$C[t] = \frac{\sum_{x=1}^m (Q[x] \times C[x]) + \sum_{y=1}^n (Q[y] \times 100 \text{ ppmw})}{\sum_{x=1}^m Q[x] + \sum_{y=1}^n Q[y]}$$

Where:

$C[t]$ = Exit concentration limit for treated hazardous waste, in ppmw.

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x = Individual hazardous waste stream "x" that has a VO concentration less than 100 ppmw at the point of waste origination, as determined in accordance with the requirements of Section 725.984(a).

y = Individual hazardous waste stream "y" that has a VO concentration equal to or greater than 100 ppmw at the point of waste origination, as determined in accordance with the requirements of Section 725.984(a).

m = Total number of "x" hazardous waste streams treated by process.

n = Total number of "y" hazardous waste streams treated by process.

$Q[x]$ = Annual mass quantity of hazardous waste stream "x", in kg/yr.

$Q[y]$ = Annual mass quantity of hazardous waste stream "y", in kg/yr.

$C[x]$ = Average VO concentration of hazardous waste stream "x" at the point of waste origination, as determined in accordance with the requirements of Section 725.984(a), in ppmw.

6) Procedure to determine the organic reduction efficiency (R) for a treated hazardous waste.

A) The organic reduction efficiency for a treatment process must be determined based on results for a minimum of three consecutive runs. The sampling time for each run must be one hour.

B) The point of each hazardous waste stream entering the process and each hazardous waste stream exiting the process that is to be included in the calculation of the organic reduction efficiency for the process must be identified.

C) For each run, the following information must be determined for each hazardous waste stream identified in subsection (b)(6)(B) above, using the following procedures:

i) The mass quantity of each hazardous waste stream entering the process ($Q[b]$) and the mass quantity of each hazardous waste stream exiting the process ($Q[a]$) must be determined.

ii) The VO concentration of each hazardous waste stream entering the process ($C[b]$) during the run must be measured in accordance with the requirements of

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subsections (a)(5)(D)(i) through (a)(5)(D)(iv) below. The VO concentration of each hazardous waste stream exiting the process (C[a]) during the run must be determined in accordance with the requirements of subsection (b)(4)(D) below. Samples must be collected as follows: For a continuous process, the samples of the hazardous waste entering and samples of the hazardous waste exiting the process must be collected concurrently. For a batch process, the samples of the hazardous waste entering the process must be collected at the time that the hazardous waste is placed in the process. The samples of the hazardous waste exiting the process must be collected as soon as practicable after the time when the process stops operation or the final treatment cycle ends.

D) The waste volatile organic mass flow entering the process (E[b]) and the waste volatile organic mass flow exiting the process (E[a]) must be calculated by using the results determined in accordance with subsection (b)(6)(C) above and the following equations:

$$E(b) = \frac{1}{10(6)} \sum_{j=1}^m Q(b[j] \times C(b[j]))$$

$$E(a) = \frac{1}{10(6)} \sum_{j=1}^m Q(a[j] \times C(a[j]))$$

Where:

E[a] = Waste volatile organic mass flow exiting process, in kg/hr.

E[b] = Waste volatile organic mass flow entering process, in kg/hr.

m = Total number of runs (at least 3)

j = Individual run "j"

Q[bj] = Mass quantity of hazardous waste entering process during run "j", in kg/hr.

Q[aj] = Average mass quantity of waste exiting process during run "j", in kg/hr.

C[aj] = Measured VO concentration of hazardous waste

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exiting process during run "j", as determined in accordance with the requirements of Section 725.984(b)(4)(D), in ppmw.

C[bj] = Measured VO concentration of hazardous waste entering process during run "j", as determined in accordance with the requirements of Section 725.984(a)(5)(D)(i) through (a)(5)(D)(iv), in ppmw.

E) The organic reduction efficiency of the process must be calculated by using the results determined in accordance with subsection (b)(6)(D) above and the following equation:

$$R = \frac{E(b) - E(a)}{E(b)} \times 100\%$$

Where:

R = Organic reduction efficiency, percent.

E[b] = Waste volatile organic mass flow entering process as determined in accordance with the requirements of subsection (b)(6)(D) above, in kg/hr.

E[a] = Waste volatile organic mass flow exiting process as determined in accordance with the requirements of subsection (b)(6)(D) above, in kg/hr.

7) Procedure to determine the organic biodegradation efficiency (R[bio]) for a treated hazardous waste.

A) The fraction of organics biodegraded (F[bio]) must be determined using the procedure specified in 40 CFR 63, Appendix C, incorporated by reference in 35 Ill. Adm. Code 70.111.

B) The organic biodegradation efficiency must be calculated by using the following equation:

$$R[bio] = F[bio] \times 100\%$$

Where:

R[bio] = Organic biodegradation efficiency, in percent.

F[bio] = Fraction of organic biodegraded as determined in accordance with the requirements of subsection (b)(7)(A) above.

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8) Procedure to determine the required organic mass removal rate (RMR) for a treated hazardous waste.

- A) The point of waste origination for each hazardous waste treated by the process at the same time must be identified.
- B) For each hazardous waste stream identified in subsection (b)(8)(A) above, the VO concentration of the hazardous waste stream at the point of waste origination must be determined in accordance with the requirements of subsection (a) above.
- C) For each individual hazardous waste stream that has a volatile organic concentration equal to or greater than 100 ppmw at the point of waste origination as determined in accordance with the requirements of subsection (b)(8)(B) above, the average volumetric flow rate of hazardous waste at the point of waste origination and the density of the hazardous waste stream must be determined.
- D) The required organic mass removal rate for the hazardous waste must be calculated by using the results determined for each individual hazardous waste stream in accordance with the requirements of subsections (b)(8)(B) and (b)(8)(C) above and the following equation:

$$RMR = \sum_{y=1}^n \left(\frac{V(y)}{K(y)} \times K(y) \times \frac{C(y) - 100 \text{ ppmw}}{10(6)} \right)$$

where:

RMR = Required organic mass removal rate, in kg/hr.

V = Individual hazardous waste stream "y" that has a volatile organic concentration equal to or greater than 100 ppmw at the point of waste origination, as determined in accordance with the requirements of Section 725.984(a).

n = Total number of "y" hazardous waste streams treated by process.

V(y) = Average volumetric flow rate of hazardous waste stream "y" at the point of waste origination, in m(3)/hr.

K(y) = Density of hazardous waste stream "y", in kg/m(3)

y = Average VO concentration of hazardous waste stream

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"y" at the point of waste origination as determined in accordance with the requirements of Section 725.984(a), in ppmw.

9) Procedure to determine the actual organic mass removal rate (MR) for a treated hazardous waste.

- A) The actual organic mass removal rate must be determined based on results for a minimum of three consecutive runs. The sampling time for each run must be one hour.
- B) The waste volatile organic mass flow entering the process (E(b)) and the waste volatile organic mass flow exiting the process (E(a)) must be determined in accordance with the requirements of subsection (b)(6)(D) above.
- C) The actual organic mass removal rate must be calculated by using the results determined in accordance with the requirements of subsection (b)(9)(B) above and the following equation:

$$MR = E(b) - A(b)$$

where:

MR = Actual organic mass removal rate, in kg/hr.

E(b) = Waste volatile organic mass flow entering process, as determined in accordance with the requirements of subsection (b)(6)(D) above, in kg/hr.

E(a) = Waste volatile organic mass flow exiting process, as determined in accordance with the requirements of subsection (b)(6)(D) above, in kg/hr.

10) Procedure to determine the actual organic mass biodegradation rate (MR(biol)) for a treated hazardous waste.

- A) The actual organic mass biodegradation rate must be determined based on results for a minimum of three consecutive runs. The sampling time for each run must be one hour.
- B) The waste organic mass flow entering the process (E(b)) must be determined in accordance with the requirements of subsection (b)(6)(D) above.
- C) The fraction of organic biodegraded (F(biol)) must be determined using the procedure specified in 40 CFR Part 63, Appendix C, incorporated by reference in 35 Ill. Adm. Code 720.111.
- D) The actual organic mass biodegradation rate must be calculated by using the mass flow rates and fraction of organic biodegraded determined in accordance with the requirements of subsections (b)(10)(B) and (b)(10)(C) above

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and the following equation:

$$MR[bio] = E[b] \times F[bio]$$

Where:

$MR[bio]$ = Actual organic mass biodegradation rate, in kg/hr.

$E[b]$ = Waste organic mass flow entering process, as determined in accordance with the requirements of subsection (b)(6)(D) above, in kg/hr.

$F[bio]$ = Fraction of organic biodegraded, as determined in accordance with the requirements of subsection (b)(10)(C) above.

c) Procedure to determine the maximum organic vapor pressure of a hazardous waste in a tank.

1) An owner or operator shall determine the maximum organic vapor pressure for each hazardous waste placed in a tank using air emission controls in accordance with standards specified in Section 725.985(C).

2) An owner or operator shall use either direct measurement, as specified in subsection (c)(3) above, or knowledge of the waste, as specified by subsection (c)(4) above, to determine the maximum organic vapor pressure that is representative of the hazardous waste composition stored or treated in the tank.

3) To determine the maximum organic vapor pressure of the hazardous waste by direct measurement, the following procedure must be used:

A) Representative samples of the waste contained in the tank must be collected. Sampling must be conducted in accordance with the requirements specified in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", incorporated by reference in 35 Ill. Adm. Code 720.111.

B) Any of the following methods may be used to analyze the samples and compute the maximum organic vapor pressure, as appropriate:

i) Method 25E in 40 CFR 60, Appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111;

ii) Methods described in American Petroleum Institute Publication 2517, incorporated by reference in 35 Ill. Adm. Code 720.111;

iii) Methods obtained from standard reference texts;

iv) ASTM Method D 2879-92, incorporated by reference in 35 Ill. Adm. Code 720.111; or

v) Any other method approved by the Agency for this use

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by the owner or operator.

4) To determine the maximum organic vapor pressure of the hazardous waste by knowledge, sufficient information must be prepared and recorded that documents the maximum organic vapor pressure of the hazardous waste in the tank. Examples of information that may be used include: documentation that the waste is generated by a process for which no organics-containing materials are used or that the waste is generated by a process for which at other locations it previously has been determined by direct measurement that the waste maximum organic vapor pressure is less than the maximum vapor pressure limit for the appropriate design capacity category specified for the tank.

(Source: Added at 19 Ill. Reg. **9566**, effective **JUN 27 1995**)

Section 725.985 Standards: Tanks

a) This Section applies to owners and operators of tanks subject to this Subpart into which any hazardous waste is placed except for the following tanks:

1) A tank in which all hazardous waste entering the tank meets the conditions specified in Section 725.983(C); or

2) A tank used for biological treatment of hazardous waste in accordance with the requirements of Section 725.983(C)(2)(D).

b) The owner or operator shall place the hazardous waste into one of the following tanks:

1) A tank equipped with a cover (e.g., a fixed roof) that is vented through a closed-vent system to a control device in accordance with the requirements specified in subsection (d) below;

2) A tank equipped with a fixed roof and internal floating roof in accordance with the requirements of Section 725.991;

3) A tank equipped with an external floating roof in accordance with the requirements of Section 725.991; or

4) A pressure tank that is designed to operate as a closed system such that the tank operates with no detectable organic emissions at all times that hazardous waste is in the tank except as provided for in subsection (g) below.

c) As an alternative to complying with subsection (b) above, an owner or operator may place hazardous waste in a tank equipped with a cover (e.g., a fixed roof) meeting the requirements specified in subsection (d)(1) below when the hazardous waste is determined to meet all of the following conditions:

1) The hazardous waste is neither mixed, stirred, agitated, nor circulated within the tank by the owner or operator using a process that results in splashing, frothing, or visible turbulent flow on the waste surface during normal process operations;

2) The hazardous waste in the tank is not heated by the owner or

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operator except during conditions requiring that the waste be heated to prevent the waste from freezing or to maintain adequate waste flow conditions for continuing normal process operations;

- 3) The hazardous waste in the tank is not treated by the owner or operator using a waste stabilization process or a process that produces an exothermic reaction; and

- 4) The maximum organic vapor pressure of the hazardous waste in the tank as determined using the procedure specified in Section 725.984(C) is less than the following applicable value:

A) If the tank design capacity is equal to or greater than 151 m(3) (5333 ft(3) or 39,887 gal), then the maximum organic vapor pressure must be less than 5.2 kPa (0.75 psia or 39 mm Hg);

B) If the tank design capacity is equal to or greater than 75 m(3) but less than 151 m(3) (5333 ft(3) or 39,887 gal), then the maximum organic vapor pressure must be less than 27.6 kPa (4.0 psia or 207 mm Hg); or

C) If the tank design capacity is less than 75 m(3) (2649 ft(3) or 19,810 gal), then the maximum organic vapor pressure must be less than 76.6 kPa (11.1 psia or 574 mm Hg).

- d) To comply with subsection (b)(1) above, the owner or operator shall design, install, operate, and maintain a cover that vents the organic vapors emitted from hazardous waste in the tank through a closed-vent system connected to a control device.

1) The cover must be designed and operated to meet the following requirements:

A) The cover and all cover openings (e.g., access hatches, sampling ports, and gauge wells) must be designed to operate with no detectable organic emissions when all cover openings are secured in a closed, sealed position.

B) Each cover opening must be secured in a closed, sealed position (e.g., covered by a gasketed lid or cap) at all times that hazardous waste is in the tank except as provided for in subsection (f) below.

2) The closed-vent system and control device must be designed and operated in accordance with the requirements of Section 725.988.

- e) The owner and operator shall install, operate, and maintain enclosed pipes or other closed systems for the transfer of hazardous waste as described in subsection (e)(1) or (e)(2) below. BOARD NOTE: U.S. EPA considers a drain system that meets the requirements of 40 CFR 61.346(a)(1) or (b)(1) through (b)(3) to be a "closed-system". The Board intends that this meaning be included in the use of that term for the purposes of this Subpart.

1) Transfer all hazardous waste to the tank from another tank, surface impoundment, or container subject to this Subpart, except for those hazardous wastes that meet the conditions specified in Section 725.983(C); and

2) Transfer all hazardous waste from the tank to another tank,

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surface impoundment, or container subject to this Subpart, except for those hazardous wastes that meet the conditions specified in Section 725.983(C).

- f) Each cover opening must be secured in a closed, sealed position (e.g., covered by a gasketed lid) at all times that hazardous waste is in the tank except when it is necessary to use the cover opening to:

1) Add, remove, inspect, or sample the material in the tank;

2) Inspect, maintain, repair, or replace equipment located inside the tank; or

3) Vent gases or vapors from the tank to a closed-vent system connected to a control device that is designed and operated in accordance with the requirements of Section 725.988.

g) One or more safety devices that vent directly to the atmosphere may be used on the tank, cover, closed-vent system, or control device provided each safety device meets all of the following conditions:

1) The safety device is not used for planned or routine venting of organic vapors from the tank or the closed-vent system connected to a control device; and

2) The safety device remains in a closed, sealed position at all times except when an unplanned event requires that the device open for the purpose of preventing physical damage or permanent deformation of the tank, cover, closed-vent system, or control device in accordance with good engineering and safety practices for handling flammable, combustible, explosive, or other hazardous materials. An example of an unplanned event is a sudden power outage.

(Source: Added at 19 Ill. Reg. 9566.1, effective

JUN 27 1993)

Section 725.986 Standards: Surface Impoundments

- a) This Section applies to owners and operators of surface impoundments subject to this Subpart into which any hazardous waste is placed except for the following surface impoundments:

1) A surface impoundment in which all hazardous waste entering the surface impoundment meets the conditions specified in Section 725.983(C); or

2) A surface impoundment used for biological treatment of hazardous waste in accordance with the requirements of Section 725.983(C)(2)(iv).

- b) The owner or operator shall place the hazardous waste into a surface impoundment equipped with a cover (e.g., an air-supported structure or a rigid cover) that is vented through a closed-vent system to a control device meeting the requirements specified in subsection (d) below.

c) As an alternative to complying with subsection (b) above, an owner or operator may place hazardous waste in a surface impoundment equipped

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with a floating membrane cover meeting the requirements specified in subsection (e) below when the hazardous waste is determined to meet all of the following conditions:

- 1) The hazardous waste is neither mixed, stirred, agitated, nor circulated within the surface impoundment by the owner or operator using a process that results in splashing, frothing, or visible turbulent flow on the waste surface during normal process operations;
 - 2) The hazardous waste in the surface impoundment is not heated by the owner or operator; and
 - 3) The hazardous waste in the surface impoundment is not treated by the owner or operator using a waste stabilization process or a process that produces an exothermic reaction.
- d) To comply with subsection (b)(1) above, the owner or operator shall design, install, operate, and maintain a cover that vents the organic vapors emitted from hazardous waste in the surface impoundment through a closed-vent system connected to a control device.
- 1) The cover must be designed, installed, operated, and maintained to meet the following requirements:
 - A) The cover and all cover openings (e.g., access hatches, sampling ports, and gauge wells) must be designed to operate with no detectable organic emissions when all cover openings are secured in a closed, sealed position.
 - B) Each cover opening must be secured in the closed, sealed position (e.g., covered by a gasketed lid or cap) at all times that hazardous waste is in the surface impoundment, except as provided for in subsection (g) below.
 - C) The closed-vent system and control device must be designed and operated in accordance with Section 725.988.
- e) To comply with subsection (c) above, the owner or operator shall design, install, operate, and maintain a floating membrane cover that meets all of the following requirements:
- 1) The floating membrane cover must be designed, installed, and operated such that at all times when hazardous waste is in the surface impoundment, the entire surface area of the hazardous waste is enclosed by the cover, and any air spaces underneath the cover are not vented to the atmosphere except during conditions specified in subsection (h) below.
 - 2) The floating membrane cover and all cover openings (e.g., access hatches, sampling ports, and gauge wells) must be designed to operate with no detectable organic emissions when all cover openings are secured in a closed, sealed position.
 - 3) Each cover opening must be secured in a closed, sealed position (e.g., covered by a gasketed lid or cap) at all times that hazardous waste is in the surface impoundment except as provided for in subsections (g)(1) through (g)(3) below.
 - 4) The synthetic membrane material used for the floating membrane cover must be either:

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- A) High density polyethylene with a thickness no less than 2.5 mm; or
 - B) A material or a composite of different materials determined to have the following properties:
 - i) Organic permeability properties that are equivalent to those of the material specified in subsection (e)(4)(A) above; and
 - ii) Chemical and physical properties that maintain the material integrity for as long as the cover is in use.
- Factors that must be considered in selecting the material include: the effects of contact with the waste managed in the impoundment, weather exposure, and cover installation and operation practices.
- f) The owner or operator shall install, operate, and maintain enclosed pipes or other closed systems for the transfer of hazardous waste as described in subsection (f)(1) or (f)(2) below. BOARD NOTE: U.S. EPA considers a drain system that meets the requirements of 40 CFR 61.346(a)(1) or (b)(1) through (b)(3) to be a "closed-system". The Board intends that this meaning be included in the use of that term for the purposes of this Subpart.
- 1) Transfer all hazardous waste to the surface impoundment from another tank, surface impoundment, or container subject to this Subpart, except for those hazardous wastes that meet the conditions specified in Section 725.983(c); and
 - 2) Transfer all hazardous waste from the surface impoundment to another tank, surface impoundment, or container subject to this Subpart, except for those hazardous wastes that meet the conditions specified in Section 725.983(c).
- g) Each cover opening must be secured in the closed, sealed position (e.g., covered by a gasketed lid or cap) at all times that hazardous waste is in the surface impoundment except when it is necessary to use the cover opening to:
- 1) Add, remove, inspect, or sample the material in the surface impoundment;
 - 2) Inspect, maintain, repair, or replace equipment located underneath the cover;
 - 3) Remove treatment residues from the surface impoundment in accordance with the requirements of 35 Ill. Adm. Code 728.104; or
 - 4) Vent gases or vapors from the surface impoundment to a closed-vent system connected to a control device that is designed and operated in accordance with the requirements of Section 725.988.
- h) One or more safety devices that vent directly to the atmosphere may be installed on the cover, closed-vent system, or control device provided each device meets all of the following conditions:
- 1) The safety device is not used for planned or routine venting of organic vapors from the surface impoundment or the closed-vent system connected to a control device; and

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- 2) The safety device remains in a closed, sealed position at all times except when an unplanned event requires that the device open for the purpose of preventing physical damage or permanent deformation of the cover, closed-vent system, or control device in accordance with good engineering and safety practices for handling flammable, combustible, explosive, or other hazardous materials. An example of an unplanned event is a sudden power outage.

Source: Added at 19 Ill. Reg. 95661, effective
JUN 27 1995

Section 725.987 Standards: Containers

- a) This Section applies to the owners and operators of containers having design capacities greater than 0.1 m(3) (3.5 ft(3) or 26.4 gal) subject to this Subpart into which any hazardous waste is placed, except for a container in which all hazardous waste entering the container meets the conditions specified in Section 725.983(c).

- 2) An owner or operator shall manage hazardous waste in containers using the following procedures:

- 1) The owner or operator shall place the hazardous waste into one of the following containers, except when a container is used for hazardous waste treatment as required by subsection (b)(2) below:
- A) A container that is equipped with a cover that operates with no detectable organic emissions when all container openings (e.g., lids, bungs, hatches, and sampling ports) are secured in a closed, sealed position. The owner or operator shall determine that a container operates with no detectable emissions by testing each opening on the container for leaks in accordance with Method 21 in 40 CFR 60, Appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111, the first time any portion of the hazardous waste is placed into the container. If a leak is detected and cannot be repaired immediately, the hazardous waste must be removed from the container and the container not used to meet the requirements of this subsection until the leak is repaired and the container is retested.
- B) A container having a design capacity less than or equal to 0.46 m(3) (16.2 ft(3) or 121.5 gal) that is equipped with a cover and complies with all applicable U.S. Department of Transportation regulations on packaging hazardous waste for transport under 49 CFR Part 178, incorporated by reference in 35 Ill. Adm. Code 720.111.

- 1) A container that is managed in accordance with the requirements of 49 CFR 178 for the purpose of complying with this Subpart is not subject to any exceptions to the 49 CFR 178 regulations, except as

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noted in subsection (b)(1)(B)(ii) above.

- ii) A lab pack that is managed in accordance with the requirements of 49 CFR 178 for the purpose of complying with this Subpart may comply with the exceptions for combination packagings specified in 49 CFR 173.12(b).

- C) A container that is attached to or forms a part of any truck, trailer, or railcar and that has been demonstrated within the preceding 12 months to be organic vapor tight when all container openings are in a closed, sealed position (e.g., the container hatches or lids are gasketed and latched). For the purpose of meeting the requirements of this subsection, a container is organic vapor tight if the container sustains a pressure change of not more than 0.75 kPa (0.11 psig or 5.6 mm Hg) within 5 minutes after it is pressurized to a minimum of 4.5 kPa (0.65 psig or 33.7 mm Hg). This condition is to be demonstrated using the pressure test specified in Method 27 of 40 CFR 60, Appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111, and a pressure measurement device that has a precision of \pm 2.5 mm water and that is capable of measuring above the pressure at which the container is to be tested for vapor tightness.

- 2) An owner or operator treating hazardous waste in a container by either a waste stabilization process, any process that requires the addition of heat to the waste, or any process that produces an exothermic reaction must meet the following requirements:

- A) Whenever it is necessary for the container to be open during the treatment process, the container must be located inside an enclosure that is vented through a closed-vent system to a control device.

- B) The enclosure must be a structure that is designed and operated in accordance with the following requirements:

- i) The enclosure must be a structure that is designed and operated with sufficient airflow into the structure to capture the organic vapors emitted from the hazardous waste in the container and vent the vapors through the closed-vent system to the control device.
- ii) The enclosure may have permanent or temporary openings to allow worker access, passage of containers through the enclosure by conveyor or other mechanical means, entry of permanent mechanical or electrical equipment, or to direct airflow into the enclosure. The pressure drop across each opening in the enclosure must be maintained at a pressure below atmospheric pressure such that whenever an open container is placed inside the enclosure no organic vapors released from the container exit the enclosure through the opening. The

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owner or operator shall determine that an enclosure achieves this condition by measuring the pressure drop across each opening in the enclosure. If the pressure within the enclosure is equal to or greater than atmospheric pressure then the enclosure does not meet the requirements of this Section.

- c) The closed-vent system and control device must be designed and operated in accordance with the requirements of Section 725.988.

- 3) An owner or operator transferring hazardous waste into a container having a design capacity greater than 0.46 m(3) (16.2 ft(3) or 121.5 gal) shall meet the following requirements:

A) Hazardous waste transfer by pumping must be performed using a conveyance system that uses a tube (e.g., pipe, hose) to add the waste into the container. During transfer of the waste into the container, the cover must remain in place and all container openings must be maintained in a closed, sealed position except for those openings through which the tube enters the container and as provided for in subsection (c) below. The tube must be positioned in a manner such that either the:

- i) Tube outlet continuously remains submerged below the waste surface at all times waste is flowing through the tube;

ii) Lower bottom edge of the tube outlet is located at a distance no greater than two inside diameters of the tube or 15.25 cm (0.50 ft or 6.0 in), whichever distance is greater, from the bottom of the container at all times waste is flowing through the tube; or

iii) Tube is connected to a permanent port mounted on the bottom of the container so that the lower edge of the port opening inside the container is located at a distance equal to or less than 15.25 cm (0.50 ft or 6.0 in) from the container bottom.

- B) Hazardous waste transferred by a means other than pumping must be performed such that during transfer of the waste into the container, the cover remains in place and all container openings are maintained in a closed, sealed position except for those openings through which the hazardous waste is added and as provided for in subsection (d) below.

- c) Each container opening must be maintained in a closed, sealed position (e.g., covered by a gasketed lid) at all times that hazardous waste is in the container except when it is necessary to use the opening to:

Add, remove, inspect, or sample the material in the container; Inspect, maintain, repair, or replace equipment located inside the container; or

- 3) Vent gases or vapors from a cover located over or enclosing an

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open container to a closed-vent system connected to a control device that is designed and operated in accordance with the requirements of Section 725.988.

- d) One or more safety devices that vent directly to the atmosphere may be used on the container, cover, enclosure, closed-vent system, or control device provided each device meets all of the following conditions:

- i) The safety device is not used for planned or routine venting of organic vapors from the container, cover, enclosure, or closed-vent system connected to a control device; and
- 2) The safety device remains in a closed, sealed position at all times except when an unplanned event requires that the device open for the purpose of preventing physical damage or permanent deformation of the container, cover, enclosure, closed-vent system, or control device in accordance with good engineering and safety practices for handling flammable, combustible, explosive, or other hazardous materials. An example of an unplanned event is a sudden power outage.

(Source: Added at 19 Ill. Reg. 9566, effective JUN 27 1995)

Section 725.988 Standards: Closed-vent Systems and Control Devices

- a) This Section applies to each closed-vent system and control device installed and operated by the owner or operator to control air emissions in accordance with standards of this Subpart.

- b) The closed-vent system must meet the following requirements:

i) The closed-vent system must route the gases, vapors, and fumes emitted from the hazardous waste in the waste management unit to a control device that meets the requirements specified in subsection (c) below.

2) The closed-vent system must be designed and operated in accordance with the requirements specified in Section 725.933(i).

3) If the closed-vent system contains one or more bypass devices that could be used to divert all or a portion of the gases, vapors, or fumes from entering the control device, the owner or operator shall meet the following requirements:

- A) For each bypass device except as provided for in subsection (b)(3)(B) below, the owner or operator shall either:

- i) Install, calibrate, maintain, and operate a flow indicator at the inlet to the bypass device that indicates at least once every 15 minutes whether gas, vapor, or fume flow is present in the bypass device; or
- ii) Secure the valve installed at the inlet to the bypass device in the closed position using a car-seal or a lock-and-key type configuration. The owner or operator

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shall visually inspect the seal or closure mechanism at least once every month to verify that the valve is maintained in the closed position.

- B) Low leg drains, high point bleeds, analyzer vents, open-ended valves or lines, and safety devices are not subject to the requirements of subsection (b)(3)(A) above.

- C) The control device must meet the following requirements:

- 1) The control device must be one of the following devices:
A) A control device designed and operated to reduce the total organic content of the inlet vapor stream vented to the control device by at least 95 percent by weight;
B) An enclosed combustion device designed and operated in accordance with the requirements of Section 725.933(c); or
C) A flare designed and operated in accordance with the requirements of Section 725.933(d).

- 2) The control device must be operating at all times when gases, vapors, or fumes are vented from the waste management unit through the closed-vent system to the control device.

- 3) The owner or operator using a carbon adsorption system to comply with subsection (c)(1) above shall operate and maintain the control device in accordance with the following requirements:

- A) Following the initial startup of the control device, all activated carbon in the control device must be replaced with fresh carbon on a regular basis in accordance with the requirements of Section 725.933(g) or 725.933(h).

- B) All carbon removed from the control device must be managed in accordance with the requirements of Section 725.933(l).

- 4) An owner or operator using a control device other than a thermal vapor incinerator, flare, boiler, process heater, condenser, or carbon adsorption system to comply with subsection (c)(1) above shall operate and maintain the control device in accordance with the requirements of Section 725.933(i).

- 5) The owner or operator shall demonstrate that a control device achieves the performance requirements of subsection (c)(1) above as follows:

- A) An owner or operator shall demonstrate using either a performance test, as specified in subsection (c)(5)(C) below, or a design analysis, as specified in subsection (c)(5)(D) below, the performance of each control device except for the following:
i) A flare;
ii) A boiler or process heater with a design heat input capacity of 44 megawatts or greater;
iii) A boiler or process heater into which the vent stream is introduced with the primary fuel;
iv) A boiler or process heater burning hazardous waste for which the owner or operator has been issued a final permit 35 Ill. Adm. Code 703 and 705 and that is

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designed and operated in accordance with the requirements of 35 Ill. Adm. Code 726.Subpart H; or
v) A boiler or process heater burning hazardous waste for which the owner or operator has certified compliance with the interim status requirements of 35 Ill. Adm. Code 726.Subpart H.

- B) An owner or operator shall demonstrate the performance of each flare in accordance with the requirements specified in Section 725.933(e).

- C) For a performance test conducted to meet the requirements of subsection (c)(5)(A) above, the owner or operator shall use the test methods and procedures specified in Section 725.934(c)(1) through (c)(4).

- D) For a design analysis conducted to meet the requirements of subsection (c)(5)(A) above, the design analysis must meet the requirements specified in Section 725.935(b)(4)(C).

- E) The owner or operator shall demonstrate that a carbon adsorption system achieves the performance requirements of subsection (c)(1) above based on the total quantity of organics vented to the atmosphere from all carbon adsorption system equipment that is used for organic adsorption, organic desorption or carbon regeneration, organic recovery, and carbon disposal.

- 5) If the owner or operator and the Agency do not agree on a demonstration of control device performance using a design analysis, then the disagreement must be resolved using the results of a performance test performed by the owner or operator in accordance with the requirements of subsection (c)(5)(C) above. The Agency may choose to have an authorized representative observe the performance test.

(Source: Added 19 Ill. Reg. 9566, effective JUN 27 1995)

Section 725.989 Inspection and Monitoring Requirements

- a) This Section applies to an owner or operator using air emission controls in accordance with the requirements of Sections 725.985 through 725.988.

- b) Each cover used in accordance with requirements of Sections 725.985 through 725.987 must be visually inspected and monitored for detectable organic emissions by the owner or operator using the procedure specified in subsection (f) below, except as follows:
1) An owner or operator is exempted from performing the cover inspection and monitoring requirements specified in subsection (f) below for the following tank covers:

- A) A tank internal floating roof that is inspected and monitored in accordance with the requirements of Section

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725.991; or

B) A tank external floating roof that is inspected and monitored in accordance with the requirements of Section 725.991.

2) If a tank is buried partially or entirely underground, an owner or operator is required to perform the cover inspection and monitoring requirements specified in subsection (f) below only for those portions of the tank cover and those connections to the tank cover or tank body (e.g., fill ports, access hatches, gauge wells, etc.) that extend to or above the ground surface and can be opened to the atmosphere.

3) An owner or operator is exempted from performing the cover inspection and monitoring requirements specified in subsection (f) below for a container that meets all requirements specified in either Section 725.987(b)(1)(B) or (b)(1)(C).

4) An owner or operator is exempted from performing the cover inspection and monitoring requirements specified in subsection (f) below for an enclosure used to control air emissions from containers in accordance with the requirements of Section 725.987(c)(2).

C) Each closed-vent system used in accordance with the requirements of Section 725.988 must be inspected and monitored by the owner or operator in accordance with the procedure specified in Section 725.933(j).

D) Each control device used in accordance with the requirements of Section 725.988 must be inspected and monitored by the owner or operator in accordance with the procedure specified in Section 725.933(f).

E) The owner or operator shall develop and implement a written plan and schedule to perform all inspection and monitoring requirements of this section. The owner or operator shall incorporate this plan and schedule into the facility inspection plan required under 35 Ill. Adm. Code 725.115.

F) Inspection and monitoring of a cover in accordance with the requirements of subsection (b) above must be performed as follows:

1) The cover and all cover openings must be initially visually inspected and monitored for detectable organic emissions on or before the date that the tank, surface impoundment, or container using the cover becomes subject to the provisions of this Subpart and at other times as requested by the Agency.

2) At least once every 6 months following the initial visual inspection and monitoring for detectable organic emissions required under subsection (f)(1) above, the owner and operator shall visually inspect and monitor the cover and each cover opening except for following cover openings:

A) A cover opening that has continuously remained in a closed, sealed position for the entire period since the last time the cover opening was visually inspected and monitored for

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detectable emissions;

B) A cover opening that is designated as unsafe to inspect and monitor in accordance with subsection (f)(5) below;

C) A cover opening on a cover installed and placed in operation before December 6, 1994 that is designated as difficult to inspect and monitor in accordance with subsection (f)(6) below.

3) To visually inspect a cover, the owner or operator shall view the entire cover surface and each cover opening in a closed, sealed position for evidence of any defect that may affect the ability of the cover or cover opening to continue to operate with no detectable organic emissions. A visible hole, gap, tear, or split in the cover surface or a cover opening is defined as a leak that must be repaired in accordance with subsection (f)(7) below.

4) To monitor a cover for detectable organic emissions, the owner or operator shall use the following procedure:

A) Method 21 in 40 CFR 60, Appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111, to test each cover seal and cover connection for detectable organic emissions.

Seals on floating membrane covers must be monitored around the entire perimeter of the cover at locations spaced no greater than 3 meters apart.

B) For all cover connections and seals except for the seals around a rotating shaft that passes through a cover opening, if the monitoring instrument indicates detectable organic emissions (i.e., an instrument concentration reading greater than 500 ppmv plus the background level), then a leak is detected. Each detected leak must be repaired in accordance with subsection (f)(7) below.

C) For the seals around a rotating shaft that passes through a cover opening, if the monitoring instrument indicates a concentration reading greater than 10,000 ppmv, then a leak is detected. Each detected leak must be repaired in accordance with subsection (f)(7) below.

5) An owner or operator may designate a cover as an unsafe to inspect and monitor cover if all of the following conditions are met:

A) The owner or operator determines that inspection or monitoring of the cover would expose a worker to dangerous, hazardous, or other unsafe conditions.

B) The owner or operator develops and implements a written plan and schedule to inspect the cover using the procedure specified in subsection (f)(3) above and monitor the cover using the procedure specified in subsection (f)(4) below as frequently as practicable during those times when a worker can safely access the cover.

6) An owner or operator may designate a cover installed and placed

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in operation before December 6, 1994, as a difficult to inspect and monitor cover if all of the following conditions are met:

- A) The owner or operator determines that inspection or monitoring the cover requires elevating a worker to a height greater than 2 meters (6.6 ft) above a support surface; and
- B) The owner and operator develops and implements a written plan and schedule to inspect the cover using the procedure specified in subsection (f)(3) above, and to monitor the cover using the procedure specified in subsection (f)(4) above at least once per calendar year.

- 7) When a leak is detected by either of the methods specified in subsection (f)(3) or (f)(4) above, the owner or operator shall repair the leak in the following manner:

- A) The owner or operator shall make a first attempt at repairing the leak no later than 5 calendar days after the leak is detected. Repair of the leak must be completed as soon as practicable, but no later than 15 calendar days after the leak is detected. If repair of the leak cannot be completed within the 15-day period, except as provided in subsection (f)(7)(B) below, then the owner or operator shall not add hazardous waste to the tank, surface impoundment, or container on which the cover is installed until the repair of the leak is completed.

- B) Repair of a leak detected on a cover installed on a tank or surface impoundment may be delayed beyond 15 calendar days if the owner or operator determines that both of the following conditions occur:

- i) Repair of the leak requires first emptying the contents of the tank or surface impoundment; and
- ii) Temporary removal of the tank or surface impoundment from service will result in the unscheduled cessation of production from the process unit or operation of the waste management unit that is generating the hazardous waste managed in the tank or surface impoundment.

- C) Repair of a leak determined by the owner or operator to meet the conditions specified in subsection (f)(7)(B) above must be performed at the next time the process, system, or waste management unit that is generating the hazardous waste managed in the tank or surface impoundment stops operation for any reason.

(Source: Added at 19 Ill. Reg. 9566, effective JUN 27 1995)

Section 725.990 Recordkeeping Requirements

- a) Each owner or operator of a facility subject to requirements in this

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Subpart shall record and maintain the following information as applicable:

- 1) Documentation for each cover installed on a tank in accordance with the requirements of Section 725.985(b)(2) or (b)(3) that includes information prepared by the owner or operator or provided by the cover manufacturer or vendor describing the cover design, and certification by the owner or operator that the cover meets the applicable design specifications as listed in Section 725.991(c).

- 2) Documentation for each floating membrane cover installed on a surface impoundment in accordance with the requirements of Section 725.986(c) that includes information prepared by the owner or operator or provided by the cover manufacturer or vendor describing the cover design, and certification by the owner or operator that the cover meets the specifications listed in Section 725.986(e).

- 3) Documentation for each enclosure used to control air emissions from containers in accordance with the requirements of Section 725.987(b)(2)(A) that includes information prepared by the owner or operator or provided by the manufacturer or vendor describing the enclosure design, and certification by the owner or operator that the enclosure meets the specifications listed in Section 725.987(b)(2)(B).

- 4) Documentation for each closed-vent system and control device installed in accordance with the requirements of Section 725.988 that includes:

- A) Certification that is signed and dated by the owner or operator stating that the control device is designed to operate at the performance level documented by a design analysis, as specified in subsection (a)(4)(B) below, or by performance tests, as specified in subsection (a)(4)(C) below, when the tank, surface impoundment, or container is or would be operating at capacity or the highest level reasonably expected to occur.

- B) If a design analysis is used, then design documentation as specified in Section 725.935(b)(4). The documentation must include information prepared by the owner or operator or provided by the control device manufacturer or vendor that describes the control device design in accordance with Section 725.935(b)(4)(C) and certification by the owner or operator that the control equipment meets the applicable specifications.

- C) If performance tests are used, then a performance test plan as specified in Section 725.935(b)(3) and all test results.

- D) Information as required by Sections 725.935(c)(1) and 725.935(c)(2).

- 5) Records for all Method 27 tests performed by the owner or operator for each container used to meet the requirements of

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Section 725.987(b)(1)(C).
 6) Records for all visual inspections conducted in accordance with the requirements of Section 725.989.

7) Records for all monitoring for detectable organic emissions conducted in accordance with the requirements of Section 725.989.

8) Records of the date of each attempt to repair a leak, repair methods applied, and the date of successful repair.

9) Records for all continuous monitoring conducted in accordance with the requirements of Section 725.989.

10) Records of the management of carbon removed from a carbon adsorption system conducted in accordance with Section 725.988(c)(3)(B).

11) Records for all inspections of each cover installed on a tank in accordance with the requirements of Section 725.985(b)(2) or (b)(3) that includes information as listed in Section 725.991(c).

12) An owner or operator electing to use air emission controls for a tank in accordance with the conditions specified in Section 725.985(c) shall record the following information:

1) The date and time each waste sample is collected for direct measurement of maximum organic vapor pressure in accordance with Section 725.984(c).

2) The results of each determination for the maximum organic vapor pressure of the waste in the tank performed in accordance with Section 725.984(c).

3) The records specifying the tank dimensions and design capacity.

13) An owner or operator electing to use air emission controls for a tank in accordance with the requirements of Section 725.991 shall record the information required by Section 725.991(c).

14) An owner or operator electing not to use air emission controls for a particular tank, surface impoundment, or container subject to this Subpart in accordance with the conditions specified in Section 725.983(c) shall record the information used by the owner or operator for each waste determination (e.g., test results, measurements, calculations, and other documentation) in the facility operating log. If analysis results for waste samples are used for the waste determination, then the owner or operator shall record the date, time, and location that each waste sample is collected in accordance with applicable requirements of Section 725.984.

15) An owner or operator electing to comply with requirements in accordance with Section 725.983(c)(2)(E) or (C)(2)(F) shall record the identification number for the incinerator, boiler, or industrial furnace in which the hazardous waste is treated.

16) An owner or operator designating a cover as unsafe to inspect and monitor pursuant to Section 725.989(f)(5) or difficult to inspect and monitor pursuant to Section 725.989(f)(6) shall record in a log that is kept in the facility operating record the following information:

1) A list of identification numbers for tanks with covers that are designated as unsafe to inspect and monitor in accordance with

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the requirements of Section 725.989(f)(5), an explanation for each cover stating why the cover is unsafe to inspect and monitor, and the plan and schedule for inspecting and monitoring each cover.

2) A list of identification numbers for tanks with covers that are designated as difficult to inspect and monitor in accordance with the requirements of Section 725.989(f)(6), an explanation for each cover stating why the cover is difficult to inspect and monitor, and the plan and schedule for inspecting and monitoring each cover.

17) All records required by subsections (a) through (f) above, except as required in subsections (a)(1) through (a)(4) above, must be maintained in the operating record for a minimum of 3 years. All records required by subsections (a)(1) through (a)(4) above must be maintained in the operating record until the air emission control equipment is replaced or otherwise no longer in service.

18) The owner or operator of a facility that is subject to this Subpart and to the control device standards in 40 CFR 60, Subpart VV, or 40 CFR 61, Subpart V, incorporated by reference in 35 Ill. Adm. Code 270.111, may elect to demonstrate compliance with the applicable Sections of this Subpart by documentation either pursuant to this Subpart, or pursuant to the provisions of 40 CFR 60, Subpart VV or 40 CFR 61, Subpart V, to the extent that the documentation required by 40 CFR 60 or 61 duplicates the documentation required by this Section.

(Source: Added at 19 Ill. Reg. 95661, effective JUN 27 1995)

Section 725.991 Alternative Tank Emission Control Requirements

a) This Section applies to owners and operators of tanks electing to comply with Section 725.985(b)(2) or (b)(3).

1) The owner or operator electing to comply with Section 725.985(b)(2) shall design, install, operate, and maintain a fixed roof and internal floating roof that meet the following requirements.

A) The fixed roof must comply with the requirements of Section 725.985(d)(1). The internal floating roof must rest or float on the waste surface (but not necessarily in complete contact with it) inside a tank that has a fixed roof. The internal floating roof must be floating on the waste surface at all times, except during initial fill and during those intervals when the tank is completely emptied or subsequently emptied and refilled. When the roof is resting on the leg supports, the process of filling, emptying, or refilling must be continuous and must be accomplished as rapidly as possible.

B) Each internal floating roof must be equipped with one of the

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following closure devices between the wall of the tank and the edge of the internal floating roof:

i) A foam- or liquid-filled seal mounted in contact with the waste (liquid-mounted seal). A liquid-mounted seal means a foam- or liquid-filled seal mounted in contact with the waste between the wall of the tank and the floating roof continuously around the circumference of the tank.

ii) Two seals mounted one above the other so that each forms a continuous closure that completely covers the space between the wall of the tank and the edge of the internal floating roof. The lower seal may be vapor-mounted, but both must be continuous.

iii) A mechanical shoe seal. A mechanical shoe seal is a metal sheet held vertically against the wall of the tank by springs or weighted levers and is connected by braces to the floating roof. A flexible coated fabric (envelope) spans the annular space between the metal sheet and the floating roof.

C) Each opening in a noncontact internal floating roof except for automatic bleeder vents (vacuum breaker vents) and the rim space vents is to provide a projection below the waste surface.

D) Each opening in the internal floating roof except for leg sleeves, automatic bleeder vents, rim space vents, column wells, ladder wells, sample wells, and stub drains is to be equipped with a cover or lid that is to be maintained in a closed position at all times (i.e., no visible gap), except when the device is in actual use. The cover or lid must be equipped with a gasket. Covers on each access hatch and automatic gauge float well must be bolted, except when they are in use.

E) Automatic bleeder vents must be equipped with a gasket and are to be closed at all times when the roof is floating, except when the roof is being floated off or is being landed on the roof leg supports.

F) Rim space vents must be equipped with a gasket and are to be set to open only when the internal floating roof is not floating or at the manufacturer's recommended setting.

G) Each penetration of the internal floating roof for the purpose of sampling must be a sample well. The sample well must have a slit fabric cover that covers at least 90 percent of the opening.

H) Each penetration of the internal floating roof that allows for passage of a column supporting the fixed roof must have a flexible fabric sleeve seal or a gasketed sliding cover.

I) Each penetration of the internal floating roof that allows for passage of a ladder must have a gasketed sliding cover.

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2) The owner or operator electing to comply with Section 725.985(b)(3) shall design, install, operate, and maintain an external floating roof that meets the following requirements:

A) Each external floating roof must be equipped with a closure device between the wall of the tank and the roof edge. The closure device is to consist of two seals, one above the other. The lower seal is referred to as the primary seal, and the upper seal is referred to as the secondary seal.

i) The primary seal must be either a mechanical shoe seal or a liquid-mounted seal. Except as provided in subsection (b)(2)(D) below, the seal must completely cover the annular space between the edge of the floating roof and tank wall.

ii) The secondary seal must completely cover the annular space between the external floating roof and the wall of the tank in a continuous fashion except as allowed in subsection (b)(2)(D) below.

B) Except for automatic bleeder vents and rim space vents, each opening in a noncontact external floating roof must provide a projection below the waste surface. Except for automatic bleeder vents, rim space vents, roof drains, and leg sleeves, each opening in the roof is to be equipped with a gasketed cover, seal, or lid that is to be maintained in a closed position at all times (i.e., no visible gap), except when the device is in actual use. Automatic bleeder vents are to be closed at all times when the roof is floating, except when the roof is being floated off or is being landed on the roof leg supports. Rim vents are to be set to open when the roof is being floated off the roof leg supports or at the manufacturer's recommended setting. Automatic bleeder vents and rim space vents are to be gasketed. Each emergency roof drain is to be provided with a slotted membrane fabric cover that covers at least 90 percent of the area of the opening.

C) The roof must be floating on the waste at all times (i.e., off the roof leg supports), except during initial fill until the roof is lifted off leg supports and when the tank is completely emptied and subsequently refilled. The process of filling, emptying, or refilling when the roof is resting on the leg supports must be continuous and must be accomplished as rapidly as possible.

3) The owner or operator may elect to comply with Section 725.985(b)(2) or (b)(3) using an alternative means of emission limitation for which U.S. EPA has published a Federal Register notice in accordance with the requirements of 40 CFR 60.111b permitting its use as an alternative means for the purpose of compliance with 40 CFR 60.112b.

b) Monitoring and inspection of the control equipment described in

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subsection (a) above must be conducted as follows:

- 1) After installation, owners and operators of internal floating roofs shall:
 - A) Visually inspect the internal floating roof, the primary seal, and the secondary seal (if one is in service), prior to filling the tank with waste. If there are holes, tears, or other openings in the primary seal, the secondary seal, or the seal fabric, or defects in the internal floating roof, or both, the owner or operator shall repair the items before filling the tank.
 - B) For tanks equipped with a liquid-mounted or mechanical shoe primary seal, visually inspect the internal floating roof and the primary seal or the secondary seal (if one is in service) through manholes and roof hatches on the fixed roof at least once every 12 months after initial fill. If the internal floating roof is not resting on the surface of the waste inside the tank, or there is liquid accumulated on the roof, or the seal is detached, or there are holes or tears in the seal fabric, the owner or operator shall repair the items or empty and remove the tank from service within 45 days. If a failure that is detected during inspections required in this subsection cannot be repaired within 45 days and if the tank cannot be emptied within 45 days, the Agency may grant the owner or operator a provisional variance pursuant to Section 35(b) of the Act that extends this time for up to 30 days. Such a request for an extension must comply with 35 Ill. Adm. Code 180, and it must document that alternate capacity is unavailable and specify a schedule of actions the owner or operator will take that will assure that the control equipment will be repaired or the tank will be emptied as soon as possible.
- C) For tanks equipped with a double-seal system as specified in subsection (a)(1)(A)(ii) above:
 - i) Visually inspect the tank, as specified in subsection (b)(1)(D) below, at least every 5 years; or
 - ii) Visually inspect the tank as specified in subsection (b)(1)(B) above.
- D) Visually inspect the internal floating roof, the primary seal, the secondary seal (if one is in service), gaskets, slotted membranes, and sleeve seals (if any) each time the tank is emptied and degassed. If the internal floating roof has defects; the primary seal has holes, tears, or other openings in the seal or the seal fabric; the secondary seal has holes, tears, or other openings in the seal or the seal fabric; the gaskets no longer close off the waste surfaces from the atmosphere; or the slotted membrane has more than 10 percent open area, the owner or operator shall repair the items as necessary, so that none of the conditions specified

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- in this subsection exist before refilling the tank with waste. In no event may inspections conducted in accordance with this provision occur at intervals greater than 10 years, in the case of tanks conducting the annual visual inspection as specified in subsection (b)(1)(B) above, or at intervals no greater than 5 years, in the case of tanks notified in subsection (b)(1)(C) above.
- E) Notify the Agency in writing at least 30 days prior to the filling or refilling of each tank for which an inspection is required by subsections (b)(1)(A) and (b)(1)(D) above, to afford the Agency the opportunity to have an observer present. If the inspection required by subsection (b)(1)(D) above is not planned and the owner or operator could not have known about the inspection 30 days in advance of refilling the tank, the owner or operator shall notify the Agency at least 7 days prior to the refilling of the tank. Notification must be made by telephone immediately followed by written documentation demonstrating why the inspection was unplanned. Alternatively, this notification, including the written documentation, may be made in writing and sent by express mail so that it is received by the Agency at least 7 days prior to the refilling.
 - 2) After installation, the owner or operator of an external floating roof shall:
 - A) Determine the gap areas and maximum gap widths between the primary seal and the wall of the tank and between the secondary seal and the wall of the tank according to the following frequency:
 - i) Measurements of gaps between the tank wall and the primary seal (seal gaps) must be performed during the hydrostatic testing of the tank or within 60 days of the initial fill with waste and at least once every five years thereafter.
 - ii) Measurements of gaps between the tank wall and the secondary seal must be performed within 60 days of the initial fill with waste and at least once per year thereafter.
 - iii) If any tank ceases to hold waste for a period of one year or more, subsequent introduction of waste into the tank must be considered an initial fill for the purposes of subsections (b)(2)(A)(i) and (b)(2)(A)(ii) above.
 - B) Determine the gap widths and areas in the primary and secondary seals individually by the following procedures:
 - i) Measure seal gaps, if any, at one or more floating roof levels when the roof is floating off the roof leg supports.
 - ii) Measure seal gaps around the entire circumference of

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the tank in each place where a 0.32-cm diameter uniform probe passes freely (without forcing or binding against the seal) between the seal and the wall of the tank and measure the circumferential distance of each such location.

iii) Determine the total surface area of each gap described in subsection (b)(2)(B)(ii) above by using probes of various widths to measure accurately the actual distance from the tank wall to the seal and multiplying each such width by its respective circumferential distance.

C) Add the gap surface area of each gap location for the primary seal and the secondary seal individually and divide the sum for each seal by the nominal diameter of the tank and compare each ratio to the respective standards in subsection (b)(2)(D) below.

D) Make necessary repairs or empty the tank within 45 days of identification in any inspection for seals not meeting the following requirements:

i) The accumulated area of gaps between the tank wall and the mechanical shoe or liquid-mounted primary seal must not exceed 212 cm(2) per meter (10.0 in(2) per foot) of tank diameter, and the width of any portion of any gap must not exceed 3.81 cm (1.50 in). One end of the mechanical shoe is to extend into the waste contained in the tank, and the other end is to extend a minimum vertical distance of 61 cm (24.0 in) above the waste surface. There are to be no holes, tears, or other openings in the shoe, seal fabric, or seal envelope.

ii) The secondary seal is to meet the following requirements: The secondary seal is to be installed above the primary seal so that it completely covers the space between the roof edge and the tank wall except as provided in subsection (b)(2)(B)(iii) above. The accumulated area of gaps between the tank wall and the secondary seal must not exceed 21.2 cm(2) per meter (1.00 in(2) per foot) of tank diameter, and the width of any portion of any gap must not exceed 1.27 cm (0.500 in). There are to be no holes, tears, or other openings in the seal or seal fabric.

E) If a failure that is detected during inspections required in subsection (b)(2)(A) above cannot be repaired within 45 days and if the tank cannot be emptied within 45 days, the Agency may grant the owner or operator a provisional variance pursuant to Section 35(b) of the Act that extends this time for up to 30 days. Such a request for an extension must comply with 35 Ill. Adm. Code 180, and it must include a

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demonstration of the unavailability of alternate capacity and a specification of a schedule that will assure that the control equipment will be repaired or the tank will be emptied as soon as possible.

F) Notify the Agency 30 days in advance of any gap measurements required by subsection (b)(2)(A) above, to afford the Agency the opportunity to have an observer present.

G) Visually inspect the external floating roof, the primary seal, secondary seal, and fittings each time the vessel is emptied and degassed.

If the external floating roof has defects, the primary seal has holes, tears, or other openings in the seal or the seal fabric, or the secondary seal has holes, tears, or other openings in the seal or the seal fabric, the owner or operator shall repair the items as necessary so that none of the conditions specified in this subsection exist before filling or refilling the tank with waste.

ii)

For all the inspections required by this subsection, the owner or operator shall notify the Agency in writing at least 30 days prior to the filling or refilling of each tank to afford the Agency the opportunity to inspect the tank prior to refilling. If the inspection required by (b)(2)(G) of this Section is not planned and the owner or operator could not have known about the inspection 30 days in advance of refilling the tank, the owner or operator shall notify the Agency at least seven days prior to the refilling of the tank. Notification must be made by telephone immediately followed by written documentation demonstrating why the inspection was unplanned. Alternatively, this notification, including the written documentation, may be made in writing and sent by express mail so that it is received by the Agency at least seven days prior to the refilling.

C) Owners and operators that elect to install and operate the control equipment in subsection (a) above shall include the following information in the operating record in accordance with the requirements of Section 725.990(a)(1) and (a)(11):

1) Internal floating roof.

A) Documentation that describes the control equipment design and certifies that the control equipment meets the specifications of subsections (a)(1) and (b)(1) above.

B) Records of each inspection performed as required by subsections (b)(1)(A) through (b)(1)(D) above. Each record must identify the tank on which the inspection was performed and must contain the date the tank was inspected and the

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observed condition of each component of the control equipment (seals, internal floating roof, and fittings).

- C) If any of the conditions described in subsection (b)(1)(B) above are detected during the annual visual inspection required by subsection (b)(1)(B) above, the records must identify the tank, the nature of the defects, and the date the tank was emptied or the nature of and date the repair was made.

- D) After each inspection required by subsection (b)(1)(C) above that finds holes or tears in the seal or seal fabric, or defects in the internal floating roof, or other control equipment defects listed in subsection (b)(1)(B) above, the records must identify the tank and the reason it did not meet the specifications of subsection (a)(1) or (b)(1)(C) above and describe each repair made.

2) External floating roof.

- A) Documentation that describes the control equipment design and certifies that the control equipment meets the specifications of subsections (a)(2) and (b)(2)(B) through (b)(2)(D) above.

- B) Records of each gap measurement performed as required by subsection (b)(2) above. Each record must identify the tank in which the measurement was performed, the date of measurement, the raw data obtained in the measurement, and the calculations described in subsections (b)(2)(B) and (b)(2)(C) above.

- C) Records for each seal gap measurement that detects gaps exceeding the limitations specified by subsection (b)(2)(D) above that identifies the tank, the date the tank was emptied or the repairs made, and the nature of the repair.

(Source: Added at 19 Ill. Reg. 95661, effective JUN 27 1995)

SUBPART DD: CONTAINMENT BUILDINGS

Section 725.1102 Closure and post-closure-care Post-closure Care

- a) At closure of a containment building, the owner or operator must remove or decontaminate all waste residues, contaminated containment system components (liners, etc.), contaminated subsoils, and structures and equipment contaminated with waste and leachate, and manage them as hazardous waste unless 35 Ill. Adm. Code 721.103(cc) applies. The closure plan, closure activities, cost estimates for closure, and financial responsibility for containment buildings must meet all of the requirements specified in 725.Subparts G and H.

- b) If, after removing or decontaminating all residues and making all reasonable efforts to effect removal or decontamination of

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contaminated components, subsoils, structures, and equipment as required in subsection (a) above, the owner or operator finds that not all contaminated subsoils can be practicably removed or decontaminated, he must close the facility and perform post-closure care in accordance with the closure and post-closure requirements that apply to landfills (35 Ill. Adm. Code 725.310). In addition, for the purposes of closure, post-closure, and financial responsibility, such a containment building is then considered to be a landfill, and the owner or operator must meet all the requirements for landfills specified in 725.Subparts G and H.

(Source: Amended at 19 Ill. Reg. 95661, effective JUN 27 1995)

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1) Heading of the Part: Land Disposal Restrictions

2) Code citation: 35 Ill. Adm. Code 728

3) Section numbers: Adopted action:

728.101, 728.102, 728.107 Amended
728.109, 728.130, 728.133 Amended
728.138 New Section
728.140, 728.141, 728.142 Amended
728.143, 728.145, 728.146 Amended
728.148 New Section
728.App. D Amended
728.App. E Repealed
728.App. J New Section
728.Table A, 728.Table B Amended
728.Table C, 728.Table D Amended
728.Table E, 728.Table G Amended
728.Table T, 728.Table U New Section

4) Statutory authority: 415 ILCS 5/13(c), 22.4 and 27.

5) Effective date of amendments: June 27, 1995

6) Does this rulemaking contain an automatic repeal date?: No

7) Do these amendments contain incorporations by reference?

Yes. 35 Ill. Adm. Code 720.111 is the centralized listing of all documents incorporated by reference for the purposes of the Illinois UIC and RCRA Subtitle C programs (35 Ill. Adm. Code 702 through 705, 720 through 726, 728, 730, 738 & 739). The present amendments include revisions to the references in that Section. Most of the amendments involve updates to analytical methods.

8) Date filed in Board's principal office: Opinion and order adopted June 1, 1995 and supplemental opinion and order adopted June 15, 1995.

9) Notice of proposal published in Illinois Register:

March 24, 1995, 19 Ill. Reg. 3925

10) Has JCAR issued a Statement of Objections to these rules? No

Sections 13(c) and 22.4(a) of the Environmental Protection Act [415 ILCS 5/13(c) & 22.4(a)] provide that Section 5 of the Administrative Procedure Act [5 ILCS 100/5-35 and 5-40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or

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to second notice review by JCAR. However, JCAR staff has reviewed the text of the amendments and recommended several minor revisions, as indicated in the table under question 11.

11) Differences between proposal and final version:

The Board has made many revisions to the text of the amendments, most of which were in response to public comments. The revisions are tabulated in summary fashion below. The source of the revisions to each segment of the amendments is indicated by the notations, where (A) denotes the Illinois EPA (Agency), (B) denotes the Board, (C) denotes a commentator, (J) denotes JCAR, (S) denotes the Secretary of State, and (U) denotes U.S. EPA.

Section(Source)	Board Action
728. Table of Contents(J)	Capitalize "Expressed" for 728.143
728. Authority Note(J)	Correct ILCS format
728.101(d)(J)	Correct punctuation of "et seq."
728.101(e)(4)(J)	Add comma after "e.g."
728.107(a)(1)(E)(J)	Delete period
728.107(a)(3)(J)	Delete extra "with"
728.107(a)(3)(A)(J)	correct end punctuation
728.107(a)(3)(B)(J)	Change "-" to "through"
728.107(a)(3)(E)(ii)(J)	Omit extra period
728.107(a)(5)(J,S)	Delete "the"
728.107(b)(4)(B)(J)	Correct end punctuation
728.107(b)(5)(S)	Correct "requirements", correct cross-reference format to "this subsection"
728.107(b)(5)(B)-(b)(5)(D)(S,J)	Correct indent levels of certification statements

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728.109(a)(J) Correct base text, replace "the relevant" with "a", delete extra "the", replace "-" with "through"

728.130(a)(1)-(a)(3)(J,B) Correct end punctuation

728.133(e)(2) & (e)(3)(J,B) Correct base text, delete reference to "exemption"

728.138(a)(J) Replace "-" with "through"

728.140(d)(J) Correct cite to "35 Ill. Adm. Code 728.107(b)(5)"

728.143 heading Capitalize "Expressed"

728.145(d)(3) & (d)(4)(J) Correct punctuation of "U.S."

728.App. J (I.)(H.)(J) Correct end punctuation

728.App. J certification statement B(J) Add comma for parenthetical

728.Table C CHOXD & MACRO(B) Add comma after "e.g."

728.Table C CMBST entry(U) Add cross reference to "725.Subpart O"

728.Table C RORGS (8)(J) Correct end punctuation

728.Table T D002(U) Restore omitted second entry (for wastes managed in CWA, CWA-equivalent, or SDWA Class I systems)

728.Table T D002 & D004-D011(A) Correct CAS No. for mercury

728.Table T D019 & D028(A,U) Correct wastewater & nonwastewater entries

728.Table T F001, F002, F003, F004 & F005(U) Delete entry for benzene

728.Table T F024(J) Correct end punctuation

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728.Table T F039(U) Correct CAS number for bis-(2-chloroisopropyl)ether to "39638-32-9", correct nonwastewater concentration for diphenylamine to "13"

728.Table T K011(U) Correct nonwastewater concentration for acetonitrile to "1.8"

728.Table T K022(A) Correct wastewater entry

728.Table T K028(A) Correct CAS No. for 1,1-dichloroethane

728.Table T K028(U) Correct CAS number for hexachlorobutadiene

728.Table T K030(U) Correct spellings of "hexachloropropylene", "pentachlorobenzene", "pentachloroethane" & "tetrachloroethylene"

728.Table T K032(A) Correct CAS No. for hexachloropentadiene

728.Table T K049(J) Add comma in xylenes series

728.Table T U067(A,J) Correct wastewater & nonwastewater entries

728.Table T U068(A,J) Add heading

728.Table T K102(U) Correct segment of introductory text to "carbon for decolorization"

728.Table T K126(U) Correct segment of introductory text to "milling and packaging operations"

728.Table T U067 & U068(J,U) Correct spelling of "Naphthalene"

728.Table T notes 2 & 6(J,B) Correct "and or" to "or"

728.Table U note 5(J,B) Correct cross-reference to "Section 728.102(i)"

12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreement letter issued by JCAR?

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Sections 13(c) and 22.4(a) of the Environmental Protection Act provide that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

- 13) Will these amendments replace emergency amendments currently in effect? No
- 14) Are there any other amendments pending on this Part? No
- 15) Summary and purpose of amendments:

A more detailed description is contained in the Board's opinion and order of June 1, 1995 and supplemental opinion and order of June 15, 1995 in R95-4/R95-6, which opinion and order and supplemental opinion and order are available from the address below. Sections 13(c) and 22.4 of the Environmental Protection Act provide that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by JCAR.

This rulemaking updates the Board's RCRA Subtitle C and UIC rules to correspond with amendments adopted by U.S. EPA that appeared in the Federal Register during the period July 1 through December 31, 1994 and January 3 and May 19, 1995. The USEPA actions during this period were as follows:

Federal Action

Summary

59 Fed. Reg. 38536, July 28, 1994 Exclusion from definition of solid waste for certain in-process recycled secondary materials used by the petroleum refining industry

59 Fed. Reg. 43496, August 24, 1994 Withdrawal of exemption from Subtitle C regulation of slag residues from high temperature metal recovery (HTMR) of electric arc furnace dust (K061), steel finishing pickle liquor (K062), and electroplating sludges (F006) that are used in a manner constituting disposal

59 Fed. Reg. 47980, September 19, 1994 Restoration of text from 40 CFR 268.7(a) inadvertently omitted in the amendments of August 31, 1993, at 58 Fed. Reg. 46040

59 Fed. Reg. 47982, September 19, 1994 Phase II land disposal restrictions (LDRs): universal treatment standards for organic toxicity wastes and

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newly-listed wastes (including underground injection control (UIC) amendments)

59 Fed. Reg. 62896, December 6, 1994 Organic material air emission standards for tanks, surface impoundments, and containers (Subpart CC rules)

In addition to these principal amendments that occurred during the update period, the Board included two additional, later actions:

60 Fed. Reg. 242, January 3, 1995 Corrections to the Phase II land disposal restrictions (universal treatment standards)

60 Fed. Reg. 26828, May 19, 1995 Delayed effective date for Subpart CC rules

The January 3 action was an amendment of the September 19, 1994 Phase II LDRs (universal waste rule). U.S. EPA corrected errors and clarified language in the universal treatment standards. The Board did not delay in adding these amendments for three reasons:

- 1) The January 3, 1995 amendments were corrections and clarifications of the September 19, 1994 regulations, and not new substantive amendments;
- 2) Prompt action on the January 3, 1995 amendments will facilitate implementation of the Phase II LDRs; and
- 3) The Board received a request from the regulated community that we add the January 3, 1995 amendments to those of September 19, 1994. (See "Expedited Consideration" below.)

The Board also notes that the January 3 amendments occurred within six months of the earliest amendments included in this docket, even if they occurred outside the nominal time-frame of the docket. We included the May 19 amendments because they solely directly affect the effective date of principal amendments within this docket.

Specifically, the amendments to Part 728 incorporate the federal Phase II LDRs (universal treatment standards) amendments of September 19, 1994 and January 3, 1995. The Board further used this opportunity to make a number of minor corrective and clarifying amendments to the open provisions.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Michael J. McCambridge

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Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60610
312-814-6924

Request copies of the Board's opinion and order of June 1, 1995 and supplemental opinion and order of June 15, 1995 from Victoria Agyeman, at 312-814-3620.

The full text of the adopted amendments begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 728
LAND DISPOSAL RESTRICTIONS

SUBPART A: GENERAL

Section	Purpose, Scope and Applicability
728.101	Definitions
728.102	Dilution Prohibited as a Substitute for Treatment
728.103	Treatment Surface Impoundment Exemption
728.104	Procedures for case-by-case Extensions to an Effective Date
728.105	Petitions to Allow Land Disposal of a Waste Prohibited under Subpart C
728.106	Waste Analysis and Recordkeeping
728.107	Landfill and Surface Impoundment Disposal Restrictions (Repealed)
728.108	Special Rules for Characteristic Wastes
728.109	

SUBPART B: SCHEDULED FOR LAND DISPOSAL PROHIBITION AND ESTABLISHMENT OF TREATMENT STANDARDS

Section	
728.110	First Third
728.111	Second Third
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728.113	Newly Listed Wastes
728.114	Surface Impoundment exemptions

SUBPART C: PROHIBITION ON LAND DISPOSAL

Section	
728.130	Waste Specific Prohibitions -- Solvent Wastes
728.131	Waste Specific Prohibitions -- Dioxin-Containing Wastes
728.132	Waste Specific Prohibitions -- California List Wastes
728.133	Waste Specific Prohibitions: ---First Third Wastes
728.134	Waste Specific Prohibitions -- Second Third Wastes
728.135	Waste Specific Prohibitions -- Third Third Wastes
728.136	Waste Specific Prohibitions -- Newly Listed Wastes
728.137	Waste Specific Prohibitions -- Ignitable and Corrosive Characteristic Wastes Whose Treatment Standards Were Vacated
728.138	Waste-Specific Prohibitions: Newly-Identified Organic Toxicity Characteristic Wastes and Newly-Listed Coke By-Product and Chlorotoluene Production Wastes
728.139	Statutory Prohibitions

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SUBPART D: TREATMENT STANDARDS

Section 728.140	Applicability of Treatment Standards
728.141	Treatment Standards Expressed as Concentrations in Waste Extract
728.142	Treatment Standards Expressed as Specified Technologies
728.143	Treatment Standards Expressed as Waste Concentrations
728.144	Adjustment of Treatment Standard
728.145	Treatment Standards for Hazardous Debris
728.146	Alternative Treatment Standards Based on HMTM
728.148	Universal Treatment Standards

SUBPART E: PROHIBITIONS ON STORAGE

Section 728.150	Prohibitions on Storage of Restricted Wastes
APPENDIX A	Toxicity Characteristic Leaching Procedure (TCLP)
APPENDIX B	Treatment Standards (As concentrations in the Treatment Residual Extract)
APPENDIX C	List of Halogenated Organic Compounds
APPENDIX D	Organometallic-Sub-Packs Wastes Excluded from Lab Packs
APPENDIX E	Organic Lab Packs (Repealed)
APPENDIX F	Technologies to Achieve Deactivation of Characteristics
APPENDIX G	Federal Effective Dates
APPENDIX H	National Capacity LDR Variances for UIC Wastes
APPENDIX I	EP Toxicity Test Method and Structural Integrity Test
APPENDIX J	Recordkeeping, Notification, and Certification Requirements

TABLE A	Constituent Concentrations in Waste Extract (CCWE)
TABLE B	Constituent Concentrations in Wastes (CCW)
TABLE C	Technology Codes and Description of Technology-Based Standards
TABLE D	Technology-Based Standards by RCRA Waste Code
TABLE E	Standards for Radioactive Mixed Waste
TABLE F	Alternative Treatment Standards for Hazardous Debris
TABLE G	Alternative Treatment Standards Based on HMTM
TABLE H	Wastes Excluded from CCW Treatment Standards
TABLE T	Treatment Standards for Hazardous Wastes
TABLE U	Universal Treatment Standards (UTS)

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act (415 ILCS 5/22.4 and 27).

SOURCE: Adopted in R87-5 at 11 Ill. Reg. 19354, effective November 12, 1987; amended in R87-39 at 12 Ill. Reg. 13046, effective July 29, 1988; amended in R89-1 at 13 Ill. Reg. 18403, effective November 13, 1989; amended in R89-9 at 14 Ill. Reg. 6232, effective April 16, 1990; amended in R90-2 at 14 Ill. Reg. 14470, effective August 22, 1990; amended in R90-10 at 14 Ill. Reg. 16508,

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effective September 25, 1990; amended in R90-11 at 15 Ill. Reg. 9462, effective June 17, 1991; amended in R90-11 at 15 Ill. Reg. 11937, effective August 12, 1991; amendment withdrawn at 15 Ill. Reg. 14716, October 11, 1991; amended in R91-13 at 16 Ill. Reg. 9619, effective June 9, 1992; amended in R92-10 at 17 Ill. Reg. 5727, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20692, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6799, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12203, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17563, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9660, effective

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SUBPART A: GENERAL

Section 728.101 Purpose, Scope and Applicability

- a) This Part identifies hazardous wastes that are restricted from land disposal and defines those limited circumstances under which an otherwise prohibited waste may continue to be land disposed.
- b) Except as specifically provided otherwise in this Part or 35 Ill. Adm. Code 721, the requirements of this Part apply to persons who that generate or transport hazardous waste treatment, storage, and disposal facilities.
- c) Restricted wastes may continue to be land disposed as follows:
- 1) Where persons have been granted an extension to the effective date of a prohibition under Subpart C or pursuant to Section 728.105, with respect to those wastes covered by the extension;
 - 2) Where persons have been granted an exemption from a prohibition pursuant to a petition under Section 728.106, with respect to those wastes and units covered by the petition;
 - 3) Wastes that are hazardous only because they exhibit a hazardous characteristic and which that are otherwise prohibited from land disposal under this Part are not prohibited from land disposal if the wastes:
 - A) Are disposed into a nonhazardous or hazardous waste injection well, as defined in 35 Ill. Adm. Code 704.106(a); and
 - B) Do not exhibit any prohibited characteristic of hazardous waste at the point of injection; and
 - C) If, at the point of generation, the injected wastes include D001 High TOC subcategory wastes of D012-D017 pesticide wastes that are prohibited under Section 728.117(c), those wastes have been treated to meet the treatment standards of Section 728.140 prior to injection.
 - d) This Part does not affect the availability of a waiver under Section 121(d)(4) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) (42 U.S.C. Sections 9601 et seq.).
 - e) The following hazardous wastes are not subject to any provision of this Part:

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- 1) Wastes generated by small quantity generators of less than 100 kg of non-acute hazardous waste or less than 1 kg of acute hazardous waste per month, as defined in 35 Ill. Adm. Code 721.105;
- 2) Waste pesticides that a farmer disposes of pursuant to 35 Ill. Adm. Code 722.170;
- 3) Wastes identified or listed as hazardous after November 8, 1984, for which ~~USEPA~~ U.S. EPA has not promulgated land disposal prohibitions or treatment standards.
- 4) De minimis losses to wastewater treatment systems of commercial chemical product or chemical intermediates that are ignitable (D001) or corrosive (D002) or that are organic constituents that exhibit the characteristic of toxicity (D012-D043) and that contain underlying hazardous constituents, as defined in Section 728.102 of this Part, are not considered to be prohibited wastes. "De minimis" is defined as losses from normal material handling operations (e.g., spills from the unloading or transfer of materials from bins or other containers or leaks from pipes, valves, or other devices used to transfer materials); minor leaks of process equipment, storage tanks, or containers; leaks from well-maintained pump packings and seals; sample purging; and relief device discharges; discharges from safety showers and rinsing and cleaning of personal safety equipment; and rinsate from empty containers or from containers that are rendered empty by that rinsing.
- 5) Land disposal prohibitions for hazardous characteristic wastes do not apply to laboratory wastes displaying the characteristic of ignitable ignitability (D001), and ~~corrosive~~ corrosive corrosivity (D002), or organic toxicity (D012 through D043) ~~laboratory--wastes containing--underlying--hazardous--constituents--from--laboratory operations~~ that are mixed with other plant wastewaters at facilities whose ultimate discharge is subject to regulations under the CWA (including wastewaters at facilities which that have eliminated the discharge of wastewater), provided that the annulized flow of laboratory wastewater into the facility's headwork does not exceed one percent or provided that the laboratory wastes' combined annulized average concentration does not exceed one part per million in the facility's headwork headworks.
- f) This part is cumulative with the land disposal restrictions of 35 Ill. Adm. Code 729. The Environmental Protection Agency (Agency) shall not issue a wastestream authorization pursuant to 35 Ill. Adm. Code 709 or Sections 22.6 or 39(h) of the Environmental Protection Act ~~441 ILCS 5/22.6 or 39.6~~ 441 ILCS 5/22.6 or 39.6 unless the waste meets the requirements of this Part as well as 35 Ill. Adm. Code 729.

(Source: ~~amended~~ JUN 27 1995 19 Ill. Reg. 9660, effective)

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Section 728.102 Definitions

When used in this Part the following terms have the meanings given below. All other terms have the meanings given under 35 Ill. Adm. Code 702.110, 720.110, 720.102, or 721.103.

"Agency" means the Illinois Environmental Protection Agency.

"Board" means the Illinois Pollution Control Board.

"CERCLA" means the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.)

"Debris" means solid material exceeding a 60 mm particle size that is intended for disposal and that is: A a manufactured object; ~~or~~ plant or animal matter; or natural geologic material. However, the following materials are not debris: any material for which a specific treatment standard is provided in 728.Subpart D, namely lead acid batteries, cadmium batteries, and radioactive lead solids; ~~Process~~ Process residuals, such as smelter slag and residues from the treatment of waste, wastewater, sludges, or air emission residues; and intact containers of hazardous waste that are not ruptured and that retain at least 75% of their original volume. A mixture of debris that has not been treated to the standards provided by Section 728.145 of this Part and other material is subject to regulation as debris if the mixture is comprised primarily of debris, by volume, based on visual inspection.

"Halogenated organic compounds" or "HOCs" means those compounds having a carbon-halogen bond which ~~that~~ are listed under Appendix C.

"Hazardous constituent or constituents" means those constituents listed in 35 Ill. Adm. Code 721.Appendix H.

"Hazardous debris" means debris that contains a hazardous waste listed in 35 Ill. Adm. Code 721.Subpart D or that exhibits a characteristic of hazardous waste identified in 35 Ill. Adm. Code 721.Subpart C.

Inorganic Solid Debris are nonfriable inorganic solids that are incapable of passing through a 9.5 mm standard sieve and that require cutting or crushing or grinding in mechanical sizing equipment prior to stabilization, limited to the following inorganic or metal materials:

Metal slags (either dross or scoria).

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restricted waste under this Part and determines--that the waste does not meet the applicable treatment standards set forth in 728.Subpart D of this Part or exceeds the applicable prohibition levels set forth in Section 728.132 or 728.139, with each shipment of waste the generator shall notify the treatment or storage facility in writing of the appropriate treatment standard set forth in Subpart B of this Part and any applicable prohibition levels set forth in Section 728.132 or 728.139 with each shipment of waste. The notice must include the following information:

- A) U.S. EPA hazardous waste number;
B) The ~~corresponding treatment-standards~~ waste constituents that the ~~treater~~ will monitor, if monitoring will not include all regulated constituents, for wastes F001 through F005, F039, D001, D002, D012 through D043, and wastes prohibited pursuant to Section 728.132 or Section 3004(d) of the Resource Conservation and Recovery Act, referenced in Section 728.139. ~~Treatment-standards-for-all-other-restricted-wastes-must-either-be-included-or-be-referenced-including-on-the-notification-on-the-applicable-wastewater-as-defined-in-Section-728.102(f)-or-nonwastewater-as-defined-in-Section-728.102(d)-category7-the-applicable-subcategory-made-with-a-waste-code-based-on-waste-specific-criteria-such-as-0003-reactive-cyanides)-and-the-Section-and-subsections-where-the-applicable-treatment-standard-appears--Where-the-applicable-treatment-standards-are-expressed-as-specified-technologies-in-Section-728.142-the-applicable-five-letter-treatment-code-found-in-Section-728-Table-2-(e-g-7-INEN-WBEX)-also-must-be-listed-on-the-notification-~~ The generator must also include whether the waste is a nonwastewater or wastewater (as defined in Section 728.102 (d) and (f)) and indicate the subcategory of the waste (such as "D003 reactive cyanide") if applicable.
The manifest number associated with the shipment of waste;
C) and

D) For hazardous debris, the contaminants subject to treatment, as provided by Section 728.145(b), and the following statement: "This hazardous debris is subject to the alternative treatment standards of 35 Ill. Adm. code 728.145; and

F) Waste analysis data, where available; and
F) The date on which the waste is subject to the prohibitions.

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the waste meets the applicable treatment standards set forth in 728.Subpart D ~~of this Part~~ and setting forth the applicable prohibition levels set forth in Section 728.132 or RCRA Section 3004(d), referenced in Section 728.139. ~~A Generator's~~ A Generator's generator of hazardous debris that is excluded from the definition of hazardous waste under 35 Ill. Adm. Code 721.103(c)(2), 35 Ill. Adm. Code 728.103(f)(2), and or 35 Ill. Adm. Code 720.122 (i.e., Debris that is delisted), however, ~~are~~ is not subject to these notification and certification requirements.

- A) The notice must include the following information:
- U.S. EPA hazardous waste number;
 - the corresponding treatment standards waste constituents that the treater will monitor, if monitoring will not include all regulated constituents, for wastes F001 through F005, F039, D001, D002, D012 through D043, and wastes prohibited pursuant to Section 728.132 or Section 3004(d) of the Resource Conservation and Recovery Act, referenced in Section 728.139. Treatment standards for air other restricted wastes must either be included or referenced by including on the notification the applicable The generator must also include whether the waste is a wastewater or nonwastewater (as defined in Section 728.102(d) and (f)) category, and indicate the subcategory of the waste applicable subdivisions made within a waste code based on waste specific criteria (such as D003, reactive cyanides), and the Section and subsection where the applicable treatment standard appears if applicable. Where the applicable treatment standards are expressed as specified technologies in Section 728.142, the applicable five letter treatment code found in Section 729 Table E-1 (e.g., INCI, WBTX) also must be listed on the notification;
 - The manifest number associated with the shipment of waste; and
 - Waste analysis data, where available.
- B) The certification must be signed by an authorized representative and must state the following:
- I certify under penalty of law that I personally have examined and am familiar with the waste through analysis and testing or through knowledge of the waste to support this certification that the waste complies with the treatment standards specified in 35 Ill. Adm. Code 728. Subpart D and all applicable prohibitions set forth in 35 Ill. Adm. Code 728.132, 728.139, or Section 3004(d) of the Resource Conservation and Recovery Act. I believe that the information I submitted is true, accurate, and complete. I am aware

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that there are significant penalties for submitting a false certification, including the possibility of a fine and imprisonment.

- 3) If a generator's waste is subject to an exemption from a prohibition on the type of land disposal method utilized for the waste (such as, but not limited to, a case-by-case extension under Section 728.105, an exemption under Section 728.106, an extension under Section 728.101(c)(3), or a nationwide capacity variance under 40 CFR 268.Subpart C (19921994)), with each shipment of waste the generator shall submit a notice with each waste stating that the waste is not prohibited from land disposal. The notice must include the following information:

- A) U.S. EPA hazardous waste number;
- B) The corresponding treatment standards waste constituents that the treater will monitor, if monitoring will not include all regulated constituents, for wastes F001 through F005, F039, D001, D002, and D012 through D043 and wastes prohibited pursuant to Section 728.132 or Section 3004(d) of the Resource Conservation and Recovery Act, referenced in Section 728.139; treatment standards for all other restricted wastes must either be included or be referenced by including on the notification the applicable wastewater or nonwastewater as defined in Section 728.102 category of the applicable subdivisions made within a waste code based on waste specific criteria (such as 9003 reactive cyanides) and the Section and subsection where the applicable treatment standard appears; Where the applicable treatment standards are expressed as specified technologies in Section 728.142, the applicable five letter treatment code found in Section 728.141(e) (e.g., INGT, WWTG) also must be listed on the notification. The generator must also include whether the waste is a nonwastewater or wastewater (as defined in Section 728.102(d) and (f)), and indicate the subcategory of the waste (such as "D003 reactive cyanide") if applicable;
- C) The manifest number associated with the shipment of waste;
- D) Waste analysis data, where available;
- E) For hazardous debris, the when using the alternative treatment technologies provided by Section 728.145:
 - i) The contaminants contaminants subject to treatment, as provided by Section 728.145(b);
 - ii) An indication that these contaminants are being treated to comply with Section 728.145 and the following statement: "This hazardous debris is subject to the alternative treatment standards of 40 CFR 268.145"; and
- F) For hazardous debris when using the treatment standards for

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the contaminating waste(s) in Section 728.140: the requirements described in subsections (a)(3)(A) through (a)(3)(D) above and subsection (a)(3)(G) below; and,

- (G) The date on which the waste is subject to the prohibitions.
- 4) If a generator is managing a prohibited waste in tanks, or containers, or containment buildings regulated under 35 Ill. Adm. Code 722.134, and is treating such waste in such tanks, containers, or containment buildings to meet applicable treatment standards under 728.Subpart D of this Part, the generator shall develop and follow a written waste analysis plan that describes the procedures the generator will carry out to comply with the treatment standards. (A generator treating hazardous debris under the alternative treatment standards of Section 728.145, however, is not subject to these waste analysis requirements.) The plan must be kept on-site in the generator's records, and the following requirements must be met:
- A) The waste analysis plan must be based on a detailed chemical and physical analysis of a representative sample of the prohibited wastes being treated and it must contain all information necessary to treat the wastes in accordance with the requirements of this Part, including the selected testing frequency.
 - B) Such plan must be filed with the Agency a minimum of 30 days prior to the treatment activity, with delivery verified.
 - C) Wastes shipped off-site pursuant to this subsection must comply with the notification requirements of Section 728.107(a)(2).
- 5) If a generator determines whether the waste is restricted based solely on the generator's knowledge of the waste, the generator shall retain all supporting data used to make this determination on-site in the generator's files. If a generator determines whether the waste is restricted based on testing the waste or an extract developed using the test method described in Appendix A, the generator shall retain all waste analysis data on site in the generator's files.
- 6) If a generator determines, subsequent to the time of generation, that the generator it is managing a restricted waste that is excluded from the definition of hazardous or solid waste or exempt from regulation as a RCRA hazardous waste under 35 Ill. Adm. Code 712.102 through 721.106, the generator shall place, in the facility's file, a one-time notice stating such generation, the subsequent exclusion from the definition of hazardous or solid waste or exemption from regulation as a RCRA hazardous waste, and the disposition of the waste.
- 7) A generator shall retain on-site a copy of all notices, certifications, demonstrations, waste analysis data, and other documentation produced pursuant to this Section for at least five years from the date that the waste that is the subject

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of such documentation was last sent to on-site or off-site treatment, storage, or disposal. The five year record retention period is automatically extended during the course of any unresolved enforcement action regarding the regulated activity, or as requested by the Agency. The requirements of this subsection apply to solid wastes even when the hazardous characteristic is removed prior to disposal, or when the waste is excluded from the definition of hazardous or solid waste under 35 Ill. Adm. Code 721.102 through 721.106, or when the waste is exempted from regulation as a RCRA hazardous waste subsequent to the point of generation.

8) If a generator is managing a lab pack that contains wastes identified in Appendix D and wishes to use the alternative treatment standard under Section 728.142(c), with each shipment of waste the generator shall submit a notice to the treatment facility in accordance with subsection (a)(1) above, except that underlying hazardous constituents need not be determined. The generator shall also comply with the requirements in subsections (a)(5) and (a)(6) above and shall submit the following certification, which must be signed by an authorized representative:

I certify under penalty of law that I personally have examined and am familiar with the waste that the lab pack does not contain only any of the wastes specified identified in 35 Ill. Adm. Code 728.142 Appendix D or solid wastes not subject to regulation under 35 Ill. Adm. Code 721. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine or imprisonment.

9) If a generator is managing a lab pack that contains organic wastes specified in Appendix B and wishes to use the alternate treatment standards under Section 728.142 with each shipment of waste, the generator shall submit a notice to the treatment facility in accordance with subsection (a)(1) above, except that the generator also shall comply with the requirements in subsections (a)(5) and (a)(6) above and shall submit the following certification that must be signed by an authorized representative. This subsection corresponds with 40 CFR 268.7(a)(9), marked "reserved" by U.S. EPA at 59 Fed. Reg. 48045 (Sept. 19, 1994). This statement maintains structural consistency with federal regulations.

I certify under penalty of law that I personally have examined and am familiar with the waste through analysis and testing or through knowledge of the waste and that the lab pack contains only organic waste specified in 35 Ill. Adm. Code 728.142 Appendix B or solid wastes not subject to regulation under 35 Ill. Adm. Code 721. I am aware that these are significant penalties for submitting a false

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certification including the possibility of fine or imprisonment.

10) Small quantity generators with tolling agreements pursuant to 35 Ill. Adm. Code 722.120(e) shall comply with the applicable notification and certification requirements of subsection (a) above for the initial shipment of the waste subject to the agreement. Such generators shall retain on-site a copy of the notification and certification, together with the tolling agreement, for at least three years after termination or expiration of the agreement. The three-year record retention period is automatically extended following notification pursuant to Section 31(d) of the Environmental Protection Act, until either any subsequent enforcement action is resolved or until the Agency notifies the generator documents need not be retained.

b) Treatment facilities shall test their wastes according to the frequency specified in their waste analysis plans, as required by 35 Ill. Adm. Code 724.113 or 725.113. Such testing must be performed as provided in subsections (b)(1), (b)(2), and (b)(3) below.

1) For wastes with treatment standards expressed as concentrations in the waste extract (Section 728.141), the owner or operator of the treatment facility shall test the treatment residues or extract of such residues developed using the test method described in Appendix A to assure that the treatment residues or extract meet the applicable treatment standards.

2) For wastes prohibited under Section 728.132 or 728.139 that are not subject to any treatment standards under 728.132 or 728.139 that are this part, the owner or operator of the treatment facility shall test the treatment residues according to the generator testing requirements specified in Section 728.132 to assure that the treatment residues comply with the applicable prohibitions.

3) For wastes with treatment standards expressed as concentrations in the waste (Section 728.143), the owner or operator of the treatment facility shall test the treatment residues (not an extract of such residues) to assure that the treatment residues meet the applicable treatment standards.

4) A notice must be sent with each waste shipment to the land disposal facility that includes the following information, except that debris excluded from the definition of the hazardous waste under Section 35 Ill. Adm. Code 728.103(e) (i.e., debris treated by an extraction or destruction technology provided by Section 728.103(e) and debris that is delisted) is subject to the notification and certification requirements of subsection (d) below rather than these notification requirements:

- A) U.S. EPA hazardous waste number;
- B) The corresponding treatment standards waste constituents to be monitored, if monitoring will not include all regulated constituents, for wastes F001 through F005, F039, D001,

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D002, D012 through D043, and wastes prohibited pursuant to Section 728.132 or Section 3004(d) of the Resource Conservation and Recovery Act, referenced in Section 728.139, and for underlying hazardous constituents as defined in Section 728.102 of this Part, in 728.132 and 728.139. Treatment standards for all other restricted wastes of this Part. Generation standards for all other restricted wastes must either be included, or be referenced by including on the notification the applicable The generator must also include whether the waste is a nonwastewater or wastewater (as defined in Section 728.102(d) or (f)), and indicate the subcategory of the waste or nonwastewater as defined in Section 728.102(f) of this Part. The applicable subdivisions made within a waste code based on waste specific criteria (such as D003 reactive cyanides), and the Sections and subsections where the applicable treatment standard appears if applicable; Where the applicable treatment standards are expressed as specified technologies in Section 728.142, the applicable five-letter treatment code found in Section 728.142(e) of this Part must be listed on the notification.

C) The manifest number associated with the shipment of waste; and

D) Waste analysis data, where available.

5) The treatment facility owner or operator shall submit a certification with each shipment of waste or treatment residue of a restricted waste to the land disposal facility stating that the waste or treatment residue has been treated in compliance with the treatment standards specified in 728.132 or 728.139. Debris excluded from the definition of hazardous waste under Section 35 Ill. Adm. Code 728.103(f) of this Part (i.e., debris treated by an extraction or destruction technology provided by Section 728.142, and debris that is delisted), however, is subject to the notification and certification requirements of subsection (d) below rather than the certification requirements of this subsection (b) and (c).

A) For wastes with treatment standards expressed as concentrations in the waste extract or in the waste (Sections 728.141 or 728.143), or for wastes prohibited under Section 728.132 or 728.139 that are not subject to any treatment standards under 728.132 or 728.139, the certification must be signed by an authorized representative and must state the following:

I certify under penalty of law that I have personally examined and am familiar with the treatment technology and operation of the treatment process used to support this certification and that, based on my inquiry of

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those individuals immediately responsible for obtaining this information, I believe that the treatment process has been operated and maintained properly, so as to comply with the performance levels specified in 35 Ill. Adm. Code 728.132 and all applicable prohibitions set forth in 35 Ill. Adm. Code 728.132 or 728.139 or section 3004(d) of the Resource Conservation and Recovery Act without impermissible dilution of the prohibited waste. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.

B) For wastes with treatment standards expressed as technologies (Section 728.142), the certification must be signed by an authorized representative and must state the following:

I certify under penalty of law that the waste has been treated in accordance with the requirements of 35 Ill. Adm. Code 728.142. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.

C) For wastes with treatment standards expressed as concentrations in the waste pursuant to Section 728.143, if compliance with the treatment standards in 728.143, if this Part is based in part or in whole on the analytical detection limit alternative specified in Section 728.143(c), the certification also must state the following:

I certify under penalty of law that I have personally examined and am familiar with the treatment technology and operation of the treatment process used to support this certification and that, based on my inquiry of those individuals immediately responsible for obtaining this information, I believe that the nonwastewater organic constituents have been treated by incineration in units operated in accordance with 35 Ill. Adm. Code 724.139 or 35 Ill. Adm. Code 725.139, or by combustion in fuel substitution units operating in accordance with applicable technical requirements, and I have been unable to detect the nonwastewater organic constituents despite having used best good faith efforts to analyze for such constituents. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.

D) For characteristic wastes D001, D002, and D012 through D043 that are subject to the treatment standards in Section

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728.140 (other than those expressed as a required method of treatment), that are reasonably expected to contain underlying hazardous constituents as defined in Section 728.102(1), that are treated on-site to remove the hazardous characteristic, and that are then sent off-site for treatment of underlying hazardous constituents, the certification must state the following:

I certify under penalty of law that the waste has been treated in accordance with the requirements of 35 Ill. Adm. Code 728.140 to remove the hazardous characteristic. This decharacterized waste contains underlying hazardous constituents that require further treatment to meet universal treatment standards. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.

6) If the waste or treatment residue will be further managed at a different treatment or storage facility, the treatment, storage, or disposal facility sending the waste or treatment residue off-site must comply with the notice and certification requirements applicable to generators under this Section.

7) Where the wastes are recyclable materials used in a manner constituting disposal subject to the provisions of 35 Ill. Adm. Code 726.120(b), regarding treatment standards and prohibition levels, the owner or operator of a treatment facility (i.e. the recycler) is not required to notify the receiving facility pursuant to subsection (b)(4) above. With each shipment of such wastes the owner or operator of the recycling facility shall submit a certification described in subsection (b)(5) above and a notice that includes the information listed in subsection (b)(4) above (except the manifest number) to the Agency. The recycling facility also shall keep records of the name and location of each entity receiving the hazardous waste-derived product.

c) Except where the owner or operator is disposing of any waste that is a recyclable material used in a manner constituting disposal pursuant to 35 Ill. Adm. Code 726.120(b), the owner or operator of any land disposal facility disposing any waste subject to restrictions under this part shall:

1) Have copies of the notice and certification specified in subsection (a) or (b) above and the certification specified in Section 728.108, if applicable.

2) Test the waste, or an extract of the waste or treatment residue developed using the test method described in Appendix A or using any methods required by generators under Section 728.132, to assure that the wastes or treatment residues are in compliance with the applicable treatment standards set forth in 728.108 Subpart D of this part and all applicable prohibitions set forth in Sections 728.132 or 728.139. Such testing must be performed according to the frequency specified in the facility's waste

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analysis plan as required by 35 Ill. Adm. Code 724.113 or 725.113.

3) Where the owner or operator is disposing of any waste that is subject to the prohibitions under Section 728.133(f) but not subject to the prohibitions set forth in Section 728.132, the owner or operator shall ensure that such waste is the subject of a certification according to the requirements of Section 728.108 prior to disposal in a landfill or surface impoundment unit, and that such disposal is in accordance with the requirements of Section 728.105(h)(2). The same requirement applies to any waste that is subject to the prohibitions under Section 728.133(f) and also is subject to the statutory prohibitions in the codified prohibitions in Section 728.139 or Section 728.132.

4) Where the owner or operator is disposing of any waste that is a recyclable material used in a manner constituting disposal subject to the provisions of 35 Ill. Adm. Code 726.120(b), the owner or operator is not subject to subsections (c)(1) through (c)(3) above, with respect to such waste.

d) A ~~Generators~~ generator or treaters that first ~~claim~~ claims that hazardous debris is excluded from the definition of hazardous waste under 35 Ill. Adm. Code 728.103(e) (i.e., debris treated by an extraction or destruction technology provided by Section 728.103(e), and debris that has been delisted) ~~are~~ is subject to the following notification and certification requirements:

1) A one-time notification must be submitted to the Agency including the following information:

A) The name and address of the RCRA Subtitle D (municipal solid waste landfill) facility receiving the treated debris;

B) A description of the hazardous debris as initially generated, including the applicable U.S. EPA hazardous waste numbers; and

C) For debris excluded under 35 Ill. Adm. Code 728.103(f)(2), the technology from Section 728.103(f)(2) used to treat the debris.

2) The notification must be updated if the debris is shipped to a different facility and, for debris excluded 35 Ill. Adm. Code 728.103(f)(2), if a different type of debris is treated or if a different technology is used to treat the debris.

3) For debris excluded under 35 Ill. Adm. Code 728.103(f)(2), the owner or operator of the treatment facility shall document and certify compliance with the treatment standards of Section 728.103(f)(2), as follows:

A) Records must be kept of all inspections, evaluations, and analyses of treated debris that are made to determine compliance with the treatment standards;

B) Records must be kept of any data or information the treater obtains during treatment of the debris that identifies key operating parameters of the treatment unit; and

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- C) For each shipment of treated debris, a certification of compliance with the treatment standards must be signed by an authorized representative and placed in the facility's files. The certification must state the following:
- "I certify under penalty of law that the debris has been treated in accordance with the requirements of 35 Ill. Adm. Code 728.145. I am aware that there are significant penalties for making a false certification, including the possibility of fine and imprisonment."

(Source: Amended at 19 Ill. Reg. 96609, effective JUN 27 1995)

Section 728.109 Special Rules for Characteristic Wastes

- a) The initial generator of a solid waste shall determine each U.S. EPA hazardous waste number (waste code) applicable to the waste in order to determine the applicable treatment standards under 728.109 of this Part. For purposes of this Part, the waste must carry the waste code for any applicable listing under 35 Ill. Adm. Code 721.Subpart D. In addition, the waste must carry one or more of the waste codes under 35 Ill. Adm. Code 721.Subpart C where the waste exhibits the relevant characteristic, except in the case when the treatment standard for the waste code listed in 35 Ill. Adm. Code 721.Subpart D operates in lieu of the standard for the waste code under 35 Ill. Adm. Code 721.Subpart C, as specified in subsection (b) below. If the generator determines that its waste displays the characteristic of Ignitability (D001) and is not in the High VOC Ignitable Liquids Subcategory or is not treated by ~~INCIN, F99B9, CMBST or RORGs of Section 728.145(e)-(f) of this Part~~, or that its waste displays the characteristic of corrosivity (D002) and is prohibited under Section 728.137, that its waste displays the characteristic of toxicity (D012 through D043) and is prohibited under Section 728.138, the generator shall determine what underlying hazardous constituents (as defined in Section 728.102) are reasonably expected to be present in the D001, or D002, or D012 through D043 waste.

- b) Where a prohibited waste is both listed under 35 Ill. Adm. Code 721.Subpart D and exhibits a characteristic under 35 Ill. Adm. Code 721.Subpart C, the treatment standard for the waste code listed in 35 Ill. Adm. Code 721.Subpart D will operate in lieu of the standard for the waste code under 35 Ill. Adm. Code 721.Subpart C, provided that the treatment standard for the listed waste includes a treatment standard for the constituent that causes the waste to exhibit the characteristic. Otherwise, the waste must meet the treatment standards for all applicable listed and characteristic waste codes.
- c) In addition to any applicable standards determined from the initial point of generation, no prohibited waste ~~which~~ that exhibits a characteristic under 35 Ill. Adm. Code 721.Subpart C shall be land

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disposed unless the waste complies with the treatment standards under 728.109 of this Part.

- d) A ~~Waste~~ waste that ~~exhibit~~ exhibits a characteristic ~~are~~ is also subject to Section 728.107 requirements, except that once the waste is no longer hazardous, one time notification and certification must be placed in the ~~generators~~ generator's or ~~treater's~~ treater's files and sent to the Agency. The notification and certification that is placed in the ~~generators~~ generator's or ~~treater's~~ treater's files must be updated if the process or operation generating the waste changes or if the subtitle D facility receiving the waste changes. However, the generator or treater need only notify the Agency on an annual basis if such changes occur. Such notification and certification should be sent to the Agency by the end of the year, but no later than December 31.

- 1) The notification must include the following information:

- A) The name and address of the ~~non-hazardous--waste RCRA~~ Subtitle D (municipal solid waste landfill) facility receiving the waste shipment; and
- B) A description of the waste as initially generated, including the applicable U.S. EPA hazardous waste numbers, the ~~applicable--wastewater--or--nonwastewater~~ ~~applicability~~ group(s), and the underlying hazardous constituents (as defined in Section 728.102(i)) ~~category--and--the~~ ~~subdivisions--made--within--a--waste--code--based--on~~ ~~waste-specific-criteria--such-as-B003-reactive-cyanides--in D001 and D002 wastes prohibited under Section 728.137 or D012 through D043 wastes prohibited under Section 728.138.~~

- e) ~~The--treatment--standards--applicable--to--the--waste--at--the~~ ~~initial-point-of-generation;~~

- 2) The certification must be signed by an authorized representative and must state the language found in Section 728.107(b)(5)(A). If treatment removes the characteristic but does not treat underlying hazardous constituents, then the certification found in Section 728.107(b)(5)(D) applies.

(Source: Amended at 19 Ill. Reg. 96609, effective JUN 27 1995)

SUBPART C: PROHIBITION ON LAND DISPOSAL

Section 728.130 Waste Specific Prohibitions -- Solvent Wastes

- a) The spent solvent wastes specified in 35 Ill. Adm. Code 721.131 as ~~USEPA~~ U.S. EPA Hazardous Waste Numbers F001, F002, F003, F004, and F005 are prohibited under this Part from land disposal (except in an injection well) unless one or more of the following conditions apply:
- 1) The generator of the solvent waste is a small quantity generator of 100 to 1000 kilograms of hazardous waste per month; or

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- 2) The solvent waste is generated from any response action taken under CERCLA or from RCRA corrective action, except where the waste is contaminated soil or debris; or
- 3) The initial generator's solvent waste is a solvent-water mixture, solvent-containing sludge or solid, or solvent-contaminated soil (non-CERCLA or non-RCRA corrective action) containing less than 1 percent total F001 through F005 solvent constituents listed in Table A T-1; or
- 4) The solvent waste is a residue from treating a waste described in subsections (a)(1), (a)(2), or (a)(3) above; or the solvent waste is a residue from treating a waste not described in subsections (a)(1), (a)(2), or (a)(3) provided such residue belongs to a different treatability group than the waste as initially generated and wastes belonging to such treatability group are described in subsection (a)(3).
- b) The F001 through F005 solvent wastes listed in subsections (a)(1), (a)(2), (a)(3), or (a)(4) above are prohibited from land disposal.
- c) ~~Effective November 87-1997-the~~ The F001 through F005 solvent wastes which that are contaminated soil and debris resulting from a CERCLA response or RCRA corrective action or the residue from treatment of these wastes are prohibited from land disposal. ~~Until November 87 1997, these waste may be disposed in a landfill or surface impoundment only if such unit is in compliance with the requirements specified in 40 CFR 268.54(f)(2)-incorporated by reference in Section 728.105.~~
- d) The requirements of subsections (a), (b), and (c) above do not apply if:
- 1) The wastes meet the standards of 728.Subpart D; or
 - 2) ~~Persons have been granted an An exemption (adjusted standard) was granted from a prohibition pursuant to a petition under Section 728.106r with respect to those wastes and units, and the activity is covered by the adjusted standard petition; or~~
 - 3) Persons have been granted an extension to the effective date of a prohibition by U.S. EPA pursuant to Section 728.105r with respect to those wastes and units and the activity is covered by the extension.

(Source: amended at 19 Ill. Reg. 9660, effective JUN 27 1995)

Section 728.133 Waste Specific Prohibitions:----First Third Wastes

- a) The wastes specified in 35 Ill. Adm. Code 721.132 as USEPA U.S. EPA hazardous wastes numbers listed below are prohibited from land disposal (except in an injection well).
- F006 (nonwastewater)
K001
K004 wastes specified in Section Sections 720-143(a) 728.140 and 728.Table B T

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- K008 wastes specified in Section Sections 720-143(a) 728.140 and 728.Table B T
- K015
K016
K018
K019
K020
- K021 wastes specified in Section Sections 720-143(a) 729.140 and 728.Table B T
- K022 (nonwastewater)
- K024
- K025 nonwastewaters specified in Section Sections 720-143(a)
- K030 (nonwastewater)
K036 (nonwastewater)
K037
K044
K045 (nonexplosive)
K046 (nonwastewater)
K047
K060 (nonwastewater)
K061 (nonwastewaters containing less than 15% zinc)
K062 (non CaSO4)
K069 (nonwastewater)
K083
K086 (solvent washes),
K087
K099
- K100 nonwastewaters specified in Section Sections 720-143(a) 728.140 and 728.Table B T
- K101 (wastewater)
K101 (nonwastewater, low arsenic subcategory--less than 1% total arsenic)
K102 (wastewater)
K102 (nonwastewater, low arsenic subcategory--less than 1% total arsenic)
K103
K104
- b) The wastes specified in 35 Ill. Adm. Code 721.132 as USEPA U.S. EPA Hazardous Waste No K071 is prohibited from land disposal.
- c) The wastes specified in Section 728.110 having a treatment standard in 728.Subpart D based on incineration and which are contaminated soil and debris are prohibited from land disposal.
- e) The requirements of subsection (a), (b), and (c) above do not apply if:
- 1) The wastes waste meet meets the applicable standards specified in 728.Subpart D; or
 - 2) ~~Persons have been granted an An adjusted standard was granted~~

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from a prohibition pursuant to a petition under Section 728.1067 with respect to those wastes and units, and the activity is covered by the adjusted standard petition; or

3) Persons have been granted an extension to the effective date of a prohibition by U.S. EPA pursuant to Section 728.1057 with respect to those wastes and units and the activity is covered by the extension.

- f) This subsection corresponds with 40 CFR 268.33(f), a provision whose effectiveness has expired. This statement maintains structural consistency with U.S. EPA regulations.
- g) To determine whether a hazardous waste listed in Section 728.110 exceeds the applicable treatment standards specified in Sections 728.131, and 728.143 through 728.140, and 728.140, the initial generator shall test a representative sample of the extract of the waste, or the generator may use knowledge of the waste, or the generator shall test the entire waste concentrations in the waste extract of the waste. If the waste contains constituents in excess of the applicable 728.Subpart D levels, the waste is prohibited from land disposal and all requirements of this Part are applicable except as otherwise specified.

(Source: Amended 19 Ill. Reg. 96601, effective June 7 1995)

Section 728.138 Waste - Specific Prohibitions: -- Newly-Identified Organic Toxicity Characteristic Wastes and Newly-Listed Coke By-Product and Chlorotoluene Production Wastes

- a) The wastes specified in 35 Ill. Adm. Code 721.132 as U.S. EPA hazardous waste numbers K141, K142, K143, K144, K145, K147, K148, K149, K150, and K151 are prohibited from land disposal. In addition, debris contaminated with U.S. EPA hazardous waste numbers F037, F038, K107 through K112, K117, K118, K123 through K126, K131, K132, K136, U328, U353, U359 and soil and debris contaminated with D012 through D043, K141 through K145, and K147 through K151 are prohibited from land disposal. The following wastes that are specified in the table at 35 Ill. Adm. Code 721.124(b) as U.S. EPA hazardous waste numbers D012, D013, D014, D015, D016, D017, D018, D019, D020, D021, D022, D023, D024, D025, D026, D027, D028, D029, D030, D031, D032, D033, D034, D035, D036, D037, D038, D039, D040, D041, D042, and D043 that are not radioactive, that are managed in systems other than those whose discharge is regulated under the federal Clean Water Act (CWA) 33 U.S.C. Sections 1251 et seq.), that are zero dischargers that do not engage in CWA-equivalent treatment before ultimate land disposal, or that are injected in Class I deep wells regulated under the Safe Drinking Water Act (SDWA) are prohibited from land disposal. "CWA-equivalent treatment", as used in this Section, means biological treatment for organics, alkaline chlorination or ferrous sulfate

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precipitation for cyanide, precipitation and sedimentation for metals, reduction for hexavalent chromium, or another treatment technology that can be demonstrated to perform equally to or better than these technologies.

- b) On September 19, 1996, radioactive wastes that are mixed with any of U.S. EPA hazardous waste number D018 through D043 waste that are managed in systems other than those whose discharge is regulated under the Clean Water Act (CWA), in systems that inject in Class I deep wells regulated under the Safe Drinking Water Act (SDWA), or in systems that are zero discharges that engage in CWA-equivalent treatment, as defined in subsection (a) above, before ultimate land disposal are prohibited from land disposal. Radioactive wastes mixed with any of U.S. EPA hazardous waste number K141 through K145 and K147 through K151 are also prohibited from land disposal. In addition, soil and debris contaminated with these radioactive mixed wastes are prohibited from land disposal.
- c) Between December 19, 1994 and September 19, 1996, the wastes included in subsection (b) above may be disposed in a landfill or surface impoundment only if such unit is in compliance with the requirements specified in Section 728.105(h)(2).
- d) The requirements of subsections (a), (b), and (c) above do not apply if:

- 1) The wastes meet the applicable treatment standards specified in 728.Subpart D;
 - 2) Persons have been granted an exemption from a prohibition pursuant to a petition under Section 728.106, with respect to those waters and units covered by the petition;
 - 3) The wastes meet the applicable alternate treatment standards established pursuant to a petition granted under Section 728.114;
 - 4) Persons have been granted an extension to the effective date of a prohibition pursuant to Section 728.105, with respect to these wastes covered by the extension.
- e) To determine whether a hazardous waste identified in this Section exceeds the applicable treatment standards specified in Sections 728.140 and 728.140, the initial generator must test a sample of the waste extract or the entire waste, depending on whether the treatment standards are expressed as concentrations in the waste extract or the waste, or the generator may use knowledge of the waste. If the waste contains constituents in excess of the applicable 728.Subpart D levels, the waste is prohibited from land disposal and all requirements of this Part are applicable, except as otherwise specified.

(Source: Added 19 Ill. Reg. 96601, effective June 7 1995)

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must meet universal treatment standards, found in Sections 728.148 and 728.149 prior to land disposal.

- f) The treatment standards for U.S. EPA hazardous waste numbers F001 through F005 nonwastewater constituents carbon disulfide, cyclohexanone, or methanol apply to wastes that contain only one, two, or three of these constituents. Compliance is measured for these constituents in the waste extract from test Method 1311, the Toxicity Characteristic Leaching Procedure found in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", U.S. EPA Publication SW-846, incorporated by reference in Section 720.111. If the waste contains any of these three constituents along with any of the other 25 constituents found in U.S. EPA hazardous waste numbers F001 through F005, then compliance with treatment standards for carbon disulfide, cyclohexanone, or methanol are not required.

(Source: Amended at 19 Ill. Reg. 9660, effective JUN 27 1995)

Section 728.141 Treatment Standards expressed as Concentrations in Waste Extract

For the requirements previously found in this Section and for treatment standards in Section 728.140, "Table CCWE-Constituent Concentrations in Waste Extracts", refer to Section 728.140 and 728.141, "Treatment Standards for Hazardous Wastes".

- a) Section 728.141 identifies the restricted wastes and the concentrations of their associated constituents that may not be exceeded by the extract of a waste or waste treatment residue extracted using Method 1311, the Toxicity Characteristic Leaching Procedure, for the allowable land disposal of such wastes. Compliance with these concentrations is required based upon grab samples unless otherwise noted in Section 728.141. Method 1311 is found in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", U.S. EPA Publication SW-846, as incorporated by reference in 35 Ill. Adm. Code 720.111.
- b) When wastes with differing treatment standards for a constituent of concern are combined for purposes of treatment, the treatment residue must meet the lowest treatment standard for the constituent of concern, except that mixtures of high and low zinc nonwastewater #061 are subject to the treatment standard for high zinc #061.
- c) The treatment standards for the constituents in F001 through F005 that are listed in Section 728.141-A only apply to wastes which contain one, two, or all three of these constituents. If the waste contains any of these three constituents along with any of the other 26 constituents found in F001 through F005, then only the treatment standards in Section 728.141-A are required.

(Source: Amended at 19 Ill. Reg. 9660, effective JUN 27 1995)

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Section 728.142 Treatment Standards Expressed as Specified Technologies

- a) The following wastes in subsections (a)(1) and (b)(2) below and Sections 728.143, Table B T, "Treatment Standards for Hazardous Wastes", for which standards are expressed as a treatment method rather than a concentration level, and 728.144-B must be treated using the technology or technologies specified in subsections (a)(1) and (a)(2) below and Section 728.145, Table E T.

1) Liquid hazardous wastes containing PCBs at concentrations greater than or equal to 50 ppm but less than 500 ppm must be incinerated in accordance with the technical requirements of 40 CFR 761.70, incorporated by reference in 35 Ill. Adm. Code 720.111, or burned in high efficiency boilers in accordance with the technical requirements of 40 CFR 761.60. Liquid hazardous wastes containing PCBs at concentrations greater than or equal to 500 ppm must be incinerated in accordance with the technical requirements of 40 CFR 761.70. Thermal treatment in accordance with this Section must be in compliance with applicable regulations in 35 Ill. Adm. Code 724, 725, and 726.

2) Nonliquid hazardous wastes containing halogenated organic compounds (HOCs) in total concentrations greater than or equal to 1000 mg/kg and liquid HOC-containing wastes that are prohibited under Section 728.132(e)(1) must be incinerated in accordance with the requirements of 35 Ill. Adm. Code 724, Subpart O or 35 Ill. Adm. Code 725, Subpart O. These treatment standards do not apply where the waste is subject to a treatment standard codified in 728.143, Subpart C of this Part for a specific HOC (such as a hazardous waste chlorinated solvent for which a treatment standard is established under Section 728.141(a)).

3) A mixture consisting of wastewater, the discharge of which is subject to regulation under 35 Ill. Adm. Code 309 or 310, and de minimis losses of materials from manufacturing operations in which these materials are used as raw materials or are produced as products in the manufacturing process, and that meets the criteria of the D001 ignitable liquids containing greater than 10% total organic constituents (TOC) subcategory, are subject to the DEACT treatment standard described in Section 728.145, Table C. For purposes of this subsection, "de minimis losses" include:

- A) Those from normal material handling operations (e.g., spills from the unloading or transfer of materials from bins or other containers, or leaks from pipes, valves, or other devices used to transfer materials);
- B) Minor leaks from process equipment, storage tanks, or containers;
- C) Leaks from well-maintained pump packings and seals;
- D) Sample purgings; and

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for radioactive mixed waste, the treatment standard for the hazardous waste (as designated by EPA waste code) applies. Hazardous debris containing radioactive waste is not subject to the treatment standards specified in Section 728.143, but is subject to the treatment standards specified in Section 728.145.

(Source: Amended at 19 Ill. Reg. 9660, effective JUN 27 1995)

Section 728.143 Treatment Standards expressed as Waste Concentrations

For the requirements previously found in this Section and for treatment standards in Section 728.140 and 728.141, "Treatment Standards for Hazardous Wastes".

- a) Table B identifies the restricted wastes and the concentrations of their associated hazardous constituents which must not be exceeded by the waste or treatment residual (not an extract of such waste or treatment residual) for the allowable land disposal of such waste or residual. Compliance with these concentrations is required upon grab samples unless otherwise noted in Table B.
- b) When wastes with different treatment standards for a constituent of concern are combined for purposes of treatment, the treatment residue must meet the lowest treatment standard for the constituent of concern.
- c) Notwithstanding the prohibitions specified in subsection (a) and Table B, treatment and disposal facilities may demonstrate and certify pursuant to Section 728.147(b)(5) compliance with the treatment standards for organic constituents specified in this Section and Table B by satisfying the following conditions:
 - 1) The treatment for the organic constituents were established based on incineration in units operated in accordance with the technical requirements of 35 Ill. Adm. Code 724.312 or 35 Ill. Adm. Code 725.312 or based on combustion in fuel substitution units operating in accordance with applicable technical requirements.
 - 2) The organic constituents have been treated using the methods referenced in subsection (c)(1) and
 - 3) The treatment or disposal facility has been unable to detect the organic constituents despite using its best good faith efforts as defined by applicable standards. Until such standards are developed, such good faith efforts may be demonstrated by showing that the treatment or disposal facility has detected the organic constituents at levels less than ten times the treatment standard specified in this Section.

(Source: Amended at 19 Ill. Reg. 9660, effective

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- e) Relief device discharges.
- b) Any person may submit an application to the Agency demonstrating that an alternative treatment method can achieve a level of performance equivalent to that achievable by methods specified in subsections (a) above and (c) and (d) below for wastes or specified in Section 728.143 F for hazardous debris. The applicant shall submit information demonstrating that the applicant's treatment method is in compliance with federal and state requirements, including this Part, 35 Ill. Adm. Code 709, 724, 725, 726, and 729; and Sections 22.6 and 39(h) of the Environmental Protection Act (415 ILCS 5/22.6 and 39(h)) and that the treatment method is protective of human health and the environment. On the basis of such information and any other available information, the Agency shall approve the use of the alternative treatment method if the Agency finds that the alternative treatment method provides a measure of performance equivalent to that achieved by methods specified in subsections (a) above and (c) and (d) below and in Section 728.143 F, for hazardous debris. Any approval must be stated in writing and may contain such provisions and conditions as the Agency determines to be appropriate. The person to whom such approval is issued shall comply with all limitations contained in such determination.
- c) As an alternative to the otherwise applicable treatment standards of 728.143 F, lab packs are eligible for land disposal provided the following requirements are met:
 - 1) The lab packs comply with the applicable provisions of 35 Ill. Adm. Code 724.416 and 725.416;
 - 2) BOARD NOTE: 35 Ill. Adm. Code 729.312 include additional restrictions on the use of lab packs.
 - 3) All hazardous wastes contained in such lab packs are specified in Appendix B or Appendix E. The lab pack does not contain any of the wastes listed in Section 728.143 F, Appendix D;
 - 4) The lab packs are incinerated in accordance with the requirements of 35 Ill. Adm. Code 724.312 or 35 Ill. Adm. Code 725.312; and
 - 5) Any incinerator residues from lab packs containing D004, D005, D006, D007, D008, D010, and D011 are treated in compliance with the applicable treatment standards specified from such wastes in 728.143 F.

- d) Radioactive hazardous mixed wastes with treatment standards specified in Section 728.143 F are not subject to any treatment standards specified in Section 728.143 F or 728.143 F. Radioactive hazardous mixed wastes not subject to treatment standards in Section 728.143 F remain subject to all applicable treatment standards specified in Sections 728.143 F and 728.143 F. Where the treatment standards in Sections 728.140 and 728.141, where treatment standards are specified for radioactive mixed wastes in Section 728.143 F, "Table of Treatment Standards", those treatment standards will govern. Where there is no specific treatment standard

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Section 728.145 Treatment Standards for Hazardous Debris

a) Treatment standards. Hazardous debris must be treated prior to land disposal as follows unless the Board has determined, under 35 Ill. Adm. Code 721.103(d)(2), that the debris is no longer contaminated with hazardous waste or the debris is treated to the waste-specific treatment standard provided in this Subpart for the waste contaminating the debris:

- 1) General. Hazardous debris must be treated for each "contaminant subject to treatment" defined by subsection (b) of ~~the~~ **this** Section below, using the technology or technologies identified in Section 728-Table F.
 - 2) Characteristic debris. Hazardous debris that exhibits the characteristic of ignitability, corrosivity, or reactivity identified under 35 Ill. Adm. Code 721.121, 721.122, and ~~or~~ 721.123, respectively, must be deactivated by treatment using one of the technologies identified in Section 728-Table F.
 - 3) Mixtures of debris types. The treatment standards of Section 728-Table F must be achieved for each type of debris contained in a mixture of debris types. If an immobilization technology is used in a treatment train, it must be the last treatment technology used.
 - 4) Mixtures of contaminant types. Debris that is contaminated with two or more contaminants subject to treatment identified under subsection (b) of ~~the~~ **this** Section below must be treated for each contaminant using one or more treatment technologies identified in Section 728-Table F. If an immobilization technology is used in a treatment train, it must be the last treatment technology used.
 - 5) Waste PCBs. Hazardous debris that is also a waste PCB under 40 CFR 761 is subject to the requirements of either 40 CFR 761 or the requirements of this Section, whichever are more stringent.
- b) Contaminants subject to treatment. Hazardous debris must be treated for each "contaminant subject to treatment". The contaminants subject to treatment must be determined as follows:
- 1) Toxicity characteristic debris. The contaminants subject to treatment for debris that exhibits the Toxicity Characteristic (TC) by 35 Ill. Adm. Code 721.124 are those EP constituents for which the debris exhibits the TC toxicity characteristic.
 - 2) Debris contaminated with listed waste. The contaminants subject to treatment for debris that is contaminated with a prohibited listed hazardous waste are those constituents or wastes for which BBAP treatment standards are established for the waste under Sections 728-141 728.140 and 728-143 728-Table T.
 - 3) Cyanide reactive debris. Hazardous debris that is reactive because of cyanide must be treated for cyanide.

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- c) Conditioned exclusion of treated debris. Hazardous debris that has been treated using one of the specified extraction or destruction technologies in Section 728-Table F and that does not exhibit a characteristic of hazardous waste identified under 35 Ill. Adm. Code 721-Subpart C after treatment is not a hazardous waste and need not be managed in a subtitle C facility. Hazardous debris contaminated with a listed waste that is treated by an immobilization technology specified in Section 728-Table F is a hazardous waste and must be managed in a RCRA Subtitle ~~Subtitle~~ **C** treatment, storage, or disposal facility.
- d) Treatment residuals
- 1) General requirements. Except as provided by subsections (d)(2) and (d)(4) below:
 - A) Residue from the treatment of hazardous debris must be separated from the treated debris using simple physical or mechanical means; and
 - B) Residue from the treatment of hazardous debris is subject to the waste-specific treatment standards provided by 728-Subpart D of ~~the~~ **this** Part for the waste contaminating the debris.
 - 2) Nontoxic debris. Residue from the deactivation of ignitable, corrosive, or reactive characteristic hazardous debris (other than cyanide-reactive) that is not contaminated with a contaminant subject to treatment defined by subsection (b) above, must be deactivated prior to land disposal and is not subject to the waste-specific treatment standards of 728-Subpart D of ~~the~~ **this** Part.
 - 3) Cyanide-reactive debris. Residue from the treatment of debris that is reactive because of cyanide must meet the standards for U.S. EPA hazardous waste number D003 under Section 728.143.
 - 4) Ignitable nonwastewater residue. Ignitable nonwastewater residue containing equal to or greater than 10% total organic carbon is subject to the technology-based standards for U.S. EPA hazardous waste number D001: "Ignitable Liquids based on 35 Ill. Adm. Code 721.121(a)(1)" under Section 728.142.
 - 5) Residue from spalling. Layers of debris removed by spalling are hazardous debris that remain subject to the treatment standards of this Section.

(Source: Amended at 3 Ill. Reg. 9660, effective JUN 27 1995)

Section 728.146 Alternative Treatment Standards Based on HWMR

Section 728-Table G identifies ~~alternative treatment standards for~~ **for** ~~the treatment standards previously found in Section 728-Table G, as formerly referenced in this Section, refer to Sections 728.140 and 728-Table T, "Treatment Standards for Hazardous Wastes".~~

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(Source: Amended at 19 Ill. Reg. 9660, effective
JUN 27 1995)

Section 728.148 Universal Treatment Standards

Section 728.148 Table U, "Universal Treatment Standards (UTS)", identifies the hazardous constituents, along with the nonwastewater and wastewater treatment standard levels, that are used to regulate most prohibited hazardous wastes with numerical limits. For determining compliance with treatment standards for underlying hazardous constituents, as defined in Section 728.102(i), these treatment standards may not be exceeded. Compliance with these treatment standards is measured by analysis of grab samples, unless otherwise noted in Section 728.148 Table U.

(Source: Added at 19 Ill. Reg. 9660, effective
JUN 27 1995)

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Section 728.APPENDIX D Organometallic-Sub-Packs Wastes Excluded from Lab Packs

Hazardous waste with the following U.S. EPA hazardous waste codes may not be placed in lab packs under the alternative lab pack treatment standards of Section 728.142(c): D009, F019, K003, K004, K005, K006, K062, K071, K100, K106, P010, P011, P012, P076, P078, U134, and U151.

Hazardous waste with the following EPA hazardous waste code numbers may be placed in an "Organometallic" or "Appendix D-Sub-Pack":

P0017-P0027-P0047-P0057-P0067-P0077-P0087-P0097-P0107-P0137-P0147-P0157-P0167-P0177-P0187-P0197-P0207-P0217-P0237-P0247-P0267-P0277-P0287-P0297-P0307-P0317-P0337-P0347-P0367-P0377-P0387-P0397-P0407-P0417-P0427-P0437-P0447-P0457-P0467-P0477-P0487-P0497-P0507-P0517-P0547-P0567-P0577-P0587-P0597-P0607-P0617-P0627-P0637-P0647-P0657-P0667-P0677-P0687-P0697-P0707-P0717-P0727-P0737-P0747-P0757-P0777-P0787-P0797-P0807-P0817-P0827-P0837-P0847-P0857-P0867-P0877-P0887-P0897-P0907-P0917-P0927-P0937-P0947-P0957-P0967-P0977-P0987-P0997-P1017-P1027-P1037-P1047-P1057-P1067-P1077-P1087-P1097-P1107-P1117-P1127-P1137-P1147-P1157-P1167-P1177-P1187-P1197-P1207-P1217-P1227-P1237

U0017-U0027-U0037-U0047-U0057-U0067-U0077-U0087-U0097-U0107-U0117-U0127-U0147-U0157-U0167-U0177-U0187-U0197-U0207-U0217-U0227-U0237-U0247-U0257-U0267-U0277-U0287-U0297-U0307-U0317-U0327-U0337-U0347-U0357-U0367-U0377-U0387-U0397-U0407-U0417-U0427-U0437-U0447-U0457-U0467-U0477-U0487-U0497-U0507-U0517-U0527-U0537-U0547-U0557-U0567-U0577-U0587-U0597-U0607-U0617-U0627-U0637-U0647-U0657-U0667-U0677-U0687-U0697-U0707-U0717-U0727-U0737-U0747-U0757-U0767-U0777-U0787-U0797-U0807-U0817-U0827-U0837-U0847-U0857-U0867-U0877-U0887-U0897-U0907-U0917-U0927-U0937-U0947-U0957-U0967-U0977-U0987-U0997-U1007-U1017-U1027-U1037-U1047-U1057-U1067-U1077-U1087-U1097-U1107-U1117-U1127-U1137-U1147-U1157-U1167-U1177-U1187-U1197-U1207-U1217-U1227-U1237-U1247-U1257-U1267-U1277-U1287-U1297-U1307-U1317-U1327-U1337-U1347-U1357-U1367-U1377-U1387-U1397-U1407-U1417-U1427-U1437-U1447-U1457-U1467-U1477-U1487-U1497-U1507-U1517-U1527-U1537-U1547-U1557-U1567-U1577-U1587-U1597-U1607-U1617-U1627-U1637-U1647-U1657-U1667-U1677-U1687-U1697-U1707-U1717-U1727-U1737-U1747-U1757-U1767-U1777-U1787-U1797-U1807-U1817-U1827-U1837-U1847-U1857-U1867-U1877-U1887-U1897-U1907-U1917-U1927-U1937-U1947-U1957-U1967-U1977-U1987-U1997-U2007-U2017-U2027-U2037-U2047-U2057-U2067-U2077-U2087-U2097-U2107-U2117-U2127-U2137-U2147-U2157-U2167-U2177-U2187-U2197-U2207-U2217-U2227-U2237-U2247-U2257-U2267-U2277-U2287-U2297-U2307-U2317-U2327-U2337-U2347-U2357-U2367-U2377-U2387-U2397-U2407-U2417-U2427-U2437-U2447-U2457-U2467-U2477-U2487-U2497

P0017-P0027-P0037-P0047-P0057-P0067-P0077-P0087-P0097-P0107-P0117-P0127-P0137-P0147-P0157-P0167-P0177-P0187-P0197-P0207-P0217-P0227-P0237-P0247-P0257-P0267-P0277-P0287-P0297-P0307

K0017-K0027-K0037-K0047-K0057-K0067-K0077-K0087-K0097-K0107-K0117-K0127-K0137-K0147-K0157-K0167-K0177-K0187-K0197-K0207-K0217-K0227-K0237-K0247-K0257-K0267-K0277-K0287-K0297-K0307-K0317-K0327-K0337-K0347-K0357-K0367-K0377-K0387-K0397-K0407-K0417-K0427-K0437-K0447-K0457-K0467-K0477-K0487-K0497-K0507-K0517-K0527-K0537-K0547-K0557-K0567-K0577-K0587-K0597-K0607-K0617-K0627-K0637-K0647-K0657-K0667-K0677-K0687-K0697-K0707-K0717-K0727-K0737-K0747-K0757-K0767-K0777-K0787-K0797-K0807-K0817-K0827-K0837-K0847-K0857-K0867-K0877-K0887-K0897-K0907-K0917-K0927-K0937-K0947-K0957-K0967-K0977-K0987-K0997-K1007-K1017-K1027-K1037-K1047-K1057-K1067-K1077-K1087-K1097-K1107-K1117-K1127-K1137-K1147-K1157-K1167

P0017-P0027-P0037-P0047-P0057-P0067-P0077-P0087-P0097-P0107-P0117-P0127-P0137-P0147

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Section 728.APPENDIX J Recordkeeping, Notification, and Certification Requirements

Entity and Scenario Frequency Recipient of Notification

I. Generator

A. Waste does not meet applicable treatment standards or exceeds applicable prohibition levels (see Section 728.107(a)(1)).

Recordkeeping, Notification, and Certification Requirements

Notice must include:
--U.S. EPA hazardous waste number.

--Constituents of concern.

--Treatability group.

--Manifest number.

--Waste analysis data (where available).

Notice and certification statement that waste meets applicable treatment standards or applicable prohibition levels.
Notice must include:

--U.S. EPA hazardous waste number.

--Constituents of concern.

--Treatability group.

Each shipment Land disposal facility

B. Waste can be disposed of without further treatment (meets applicable treatment standards or does not exceed prohibition levels upon generation) (see Section 728.107(a)(2)).

C. Waste is subject to exemption from a prohibition on the type of land disposal utilized for the waste, such as a case-by-case extension under Section 728.105, an exemption under Section 728.106, or a nationwide capacity variance (see Section 728.107(a)(3)).

Each shipment Receiving facility

Notice must include:
--Statement that waste is not prohibited from land disposal.
--U.S. EPA hazardous waste number.

--Constituents of concern.

--Treatability group.

--Manifest number.

--Waste analysis data (where available).

--Date the waste is subject to the prohibitions.

Minimum of 30 days prior to treatment activity.
Generator must develop, keep on-site, and follow a written waste analysis plan describing

D. Waste is being accumulated in tanks or containers regulated under 35 Ill. Adm. Code

Agency. Delivery must be verified.

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--Manifest number.

--Waste analysis data (where available).

Certification statement required under Section 728.107(a)(2)(B) that waste complies with treatment standards and prohibitions.

Notice must include:

--Statement that waste is not prohibited from land disposal.

--U.S. EPA hazardous waste number.

--Constituents of concern.

--Treatability group.

--Manifest number.

--Waste analysis data (where available).

--Date the waste is subject to the prohibitions.

Generator must develop, keep on-site, and follow a written waste analysis plan describing

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722.134 and is being treated in such tanks or containers to meet applicable treatment standards (see Section 728.107 (a)(4)).

procedures used to comply with the treatment standards.

If waste is shipped off-site, generator also must comply with notification requirement of Section 728.107(a)(2).

E. Generator is managing a lab pack containing certain wastes and wishes to use an alternative treatment standard (see Section 728.107 (a)(8)).

Each shipment
Treatment facility

Notice in accordance with Section 728.107(a)(1), (a)(5), and (a)(6), where applicable.

Certification in accordance with Section 728.107 (a)(8).

F. Small quantity generators with tolling agreements (pursuant to 35 Ill. Adm. Code 722.120(e)) (see Section 728.107 (a)(9)).

Initial shipment
Treatment facility

Must comply with applicable notification and certification requirements in Section 728.107(a).

Generator also must retain copy of the notification and certification together with tolling agreement on-site for at least 3 years after termination or expiration of agreement.

G. Generator has determined waste is restricted based solely on his knowledge of

N/A
Generator's file

All supporting data must be retained on-site in generator's files.

the waste (see Section 728.107 (a)(5)).

H. Generator has determined waste is restricted based on testing waste or an extract (see Section 728.107(a)(5)).

N/A
Generator's file

All waste analysis data must be retained on-site in generator's files.

One-time

Generator's file

Notice of generation and subsequent exclusion from the definition of hazardous or solid waste, or exemption from RCRA Subtitle C (hazardous waste) regulation, and information regarding the disposition of the waste.

One-time

Agency. Notification must be updated as necessary under Section 728.107(d)(2).

Notice must include:

--Name and address of RCRA Subtitle D (municipal solid waste landfill) facility receiving treated debris.

--U.S. EPA hazardous waste number and description of debris as initially generated.

--Technology used to treat the debris (Table 1 of Section 728.145).

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K. Generator (or treater) claims that characteristic wastes are no longer hazardous (see Section 728.109(d)).

One-time Generator's (or treater's) files and Agency. Notification must be updated as necessary under Section 728.109(d).

L. Other recordkeeping requirements (see Section 728.107(a)(7)).

N/A

Generator must retain a copy of all notices, certifications, demonstrations, waste analysis data, and other documentation produced pursuant to Section 728.107 on-site for at least 5 years from the date that the waste was last sent

Certification and recordkeeping in accordance with Section 728.107(d)(3).

Notice must include:

--Name and address of RCRA Subtitle D (municipal solid waste landfill) facility receiving the waste.

--U.S. EPA hazardous waste number and description of waste as initially generated.

--Treatability group.

--Underlying hazardous constituents.

Certification in accordance with Section 728.109(d)(2).

Generator must retain a copy of all notices, certifications, demonstrations, waste analysis data, and other documentation produced pursuant to Section 728.107 on-site for at least 5 years from the date that the waste was last sent

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to on-site or off-site treatment, storage, or disposal. This period is automatically extended during enforcement actions or as requested by the Agency.

Notice must include:

--U.S. EPA hazardous waste number.

--Constituents of concern.

--Treatability group.

--Manifest number.

--Waste analysis data (where available).

Application certification, in accordance with Section 728.107(b)(5)(A), (b)(5)(B) or (b)(5)(C), stating that the waste or treatment residue has been treated in compliance with applicable treatment standards and prohibitions.

Treatment, storage, or disposal

II. Treatment Facility

A. Waste shipped from treatment facility to land disposal facility (see Sections 728.107(b)(4) and (b)(5)).

Each shipment

Land disposal facility

Each shipment

B. Waste treatment residue from a

Receiving facility

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treatment or storage facility will be further managed at a different treatment or storage facility (see Section 728.107(b)(6)).

C. Where wastes are recyclable materials used in a manner constituting disposal subject to Section 726.120 (b) (see Section 728.107(b)(7)).

Each shipment Agency.

III. Land Disposal Facility

A. Wastes accepted by land disposal facility (see Section 728.107(c)).

N/A

Certification Statements

A. I certify under penalty of law that I personally have examined and am familiar with the waste through analysis and testing or through knowledge of the waste to support this certification that the waste complies with

facility must comply with all notice and certification requirements applicable to generators.

No notification to receiving facility required pursuant to Section 728.107(b)(4).

Certification as described in Section 728.107(b)(5) and notice with information listed in Section 728.107(b)(4), except manifest number.

Recycling facility must keep records of the name and location of each entity receiving hazardous waste-derived products.

Maintain copies of notice and certifications specified in Section 728.107(a) and (b).

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the treatment standards specified in 35 Ill. Adm. Code 728.Subpart D and all applicable prohibitions set forth in 35 Ill. Adm. Code 728.132 or RCRA section 3004(d). I believe that the information I submitted is true, accurate and complete. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment. (Section 728.107(a)(2)(B))

B. I certify under penalty of law that I personally have examined and am familiar with the waste and that the lab pack does not contain any wastes identified at Section 728.Appendix D. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine or imprisonment. (Section 728.107(a)(8))

C. I certify under penalty of law that I have personally examined and am familiar with the treatment technology and operation of the treatment process used to support this certification and that, based on my inquiry of those individuals immediately responsible for obtaining this information, I believe that the treatment process has been operated and maintained properly so as to comply with the performance levels specified in 35 Ill. Adm. Code 728.Subpart D, and all applicable prohibitions set forth in 35 Ill. Adm. Code 728.132 or RCRA section 3004(d) without impermissible dilution of the prohibited waste. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment. (Section 728.107(b)(5)(A))

D. I certify under penalty of law that the waste has been treated in accordance with the requirements of 35 Ill. Adm. Code 728.142. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment. (Section 728.107(b)(5)(B))

E. I certify under penalty of law that I have personally examined and am familiar with the treatment technology and operation of the treatment process used to support this certification and that, based on my inquiry of those individuals immediately responsible for obtaining this information, I believe that the nonwastewater organic constituents have been treated by incineration in units operated in accordance with 35 Ill. Adm. Code 724.Subpart O or 35 Ill. Adm. Code 725.Subpart O or by combustion in fuel substitution units operating in accordance with applicable technical requirements, and I have been unable to detect the nonwastewater organic constituents, despite having used best good faith efforts to analyze for such constituents. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment. (Section 728.107(b)(5)(C))

F. I certify under penalty of law that the waste has been treated in accordance with the requirements of 35 Ill. Adm. Code 728.140 to remove the hazardous characteristic. This decharacterized waste contains

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Section 728. TABLE A Constituent Concentration in Waste Extract (CCWE)
For the requirements previously found in this Section and Section 728.141, refer to Section 728.140 and 728. Table T, "Treatment Standards for Hazardous Wastes".

37-P-and-4-Listed-Wastes			
Waste See Code Also	Regulated Hazardous Constituent	Concentration-(mg/lit)	Non-Wastewaters
B004	Table-B Arsenic	7440-38-2	NA 570-4A
B005	Table-B Barium	7440-39-3	NA 570-4A
B006	Table-B Cadmium	7440-43-9	NA 570-4A
B007	Table-B Chromium (total)	7440-47-32	NA 570-4A
B008	Table-B Lead	7439-92-1	NA 570-4A
B009	(Low-Mercury-Subcategory--less-than-260-mg/kg-Mercury) Tables Mercury B-6-B	7439-97-6	NA 570-4A
B010	Table-B Selenium	7782-49-2	NA 570-4A
B011	Table-B Silver	7440-22-4	NA 570-4A
P001-P005-spent-solvents			
Table-B	Carbon-disulfide	75-15-0	NA 470
	Cyclohexanone	98-09-1	NA 375
	Methanol	67-56-1	NA 375
P006	Table-B Cadmium	7440-43-9	NA 37066
	Chromium-(total)	7440-47-32	NA 572
	Lead	7439-92-1	NA 3751
	Nickel	7440-02-0	NA 3732
	Silver	7440-22-4	NA 37072
P007	Table-B Cadmium	7440-43-9	NA 37066
	Chromium-(total)	7440-47-32	NA 572
	Lead	7439-92-1	NA 3751
	Nickel	7440-02-0	NA 3732
	Silver	7440-22-4	NA 37072

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underlying hazardous constituents that require further treatment to meet universal treatment standards. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment. (Section 728.107(b)(5)(D))

G. I certify under penalty of law that the debris have been treated in accordance with the requirements of 35 Ill. Adm. Code 728.145. I am aware that there are significant penalties for making a false certification, including the possibility of fine and imprisonment. (Section 728.107(d)(3)(C))

(Source: Added at 19 Ill. Reg. 9660, effective JUN 27 1995)

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P008	Table-B	Cadmium	7440-43-9	NA	9-066
		Chromium-(total)	7440-47-32	NA	5-2
		Lead	7439-92-1	NA	9-51
		Nickel	7440-02-0	NA	9-32
		Silver	7440-22-4	NA	9-072
P009	Table-B	Cadmium	7440-43-9	NA	9-066
		Chromium-(total)	7440-47-32	NA	5-2
		Lead	7439-92-1	NA	9-51
		Nickel	7440-02-0	NA	9-32
		Silver	7440-22-4	NA	9-072
P011	Table-B	Cadmium	7440-43-9	NA	9-066
		Chromium-(total)	7440-47-32	NA	5-2
		Lead	7439-92-1	NA	9-51
		Nickel	7440-02-0	NA	9-32
		Silver	7440-22-4	NA	9-072
P012	Table-B	Cadmium	7440-43-9	NA	9-066
		Chromium-(total)	7440-47-32	NA	5-2
		Lead	7439-92-1	NA	9-51
		Nickel	7440-02-0	NA	9-32
		Silver	7440-22-4	NA	9-072
P019	Table-B	Chromium-(total)	7440-47-32	NA	5-2
P020-P023-and-P026-dioxin-containing-wastes*				<1-ppb	<1-ppb
		Hexachloro-		<1-ppb	<1-ppb
		dibenzo-p-dioxins		<1-ppb	<1-ppb
		Hexachloro-		<1-ppb	<1-ppb
		dibenzofurans		<1-ppb	<1-ppb
		PeBB-A11		<1-ppb	<1-ppb
		Pentachloro-		<1-ppb	<1-ppb
		dioxins		<1-ppb	<1-ppb
		PeBB-A11-tetra-		<1-ppb	<1-ppb
		furans		<1-ppb	<1-ppb
		PeBB-A11-penta-		<1-ppb	<1-ppb
		dioxins		<1-ppb	<1-ppb
		PeBB-A11-tetra-		<1-ppb	<1-ppb
		furans		<1-ppb	<1-ppb
		2745-tetrachloro-		<1-ppb	<1-ppb
		phenol		<1-ppb	<1-ppb

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P024	Table-B	2745-tetrachloro-phenol	80-06-2	NA	9-095-ppm
		2747-tetra-chlorophenol	50-90-2	NA	9-095-ppm
		2748-pentachloro-phenol	87-06-5	NA	9-095-ppm
		Chromium-(total)	7440-47-32	NA	5-2
		Lead	7439-92-1	NA	9-51
		Nickel	7440-02-0	NA	9-32
P037	Table-B	Chromium-(total)	7440-47-32	NA	5-2
		Nickel	7440-02-0	NA	9-32
P038	Table-B	Chromium-(total)	7440-47-32	NA	5-2
		Nickel	7440-02-0	NA	9-32
P039-(and-P041-and-P042-wastes-prohibited-under-Section-720-137)				NA	5-2
		Antimony	7440-36-0	NA	5-2
		Arsonic	7440-38-2	NA	5-2
		Bismuth	7440-39-9	NA	5-2
		Cadmium	7440-43-9	NA	5-2
		Chromium-(total)	7440-47-32	NA	5-2
		Lead	7439-92-1	NA	9-51
		Mercury	7439-97-6	NA	9-025
		Nickel	7440-02-0	NA	9-32
		Selenium	7702-49-2	NA	5-2
		Silver	7440-22-4	NA	9-072
K001	Table-B	Lead	7439-92-1	NA	9-51
K002	Table-B	Chromium-(total)	7440-47-32	NA	5-2
		Lead	7439-92-1	NA	9-51
K003	Table-B	Chromium-(total)	7440-47-32	NA	5-2
		Lead	7439-92-1	NA	9-51
K004	Table-B	Chromium-(total)	7440-47-32	NA	5-2
		Lead	7439-92-1	NA	9-51
K005	Table-B	Chromium-(total)	7440-47-32	NA	5-2
		Lead	7439-92-1	NA	9-51
K006	Table-B	Chromium-(total)	7440-47-32	NA	5-2
		Lead	7439-92-1	NA	9-51
K006	Table-B	Chromium-(total)	7440-47-32	NA	5-2
		Lead	7439-92-1	NA	9-51

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K006	hydrated†	Chromium-(total)	7440-47-32	NA	5-2
K007	Table-B	Chromium-(total)	7440-47-32	NA	0-094
	Table-B	Chromium-(total)	7440-47-32	NA	0-37
	Seed	Chromium-(total)	7440-47-32	NA	0-094
	Seed	Chromium-(total)	7440-47-32	NA	0-37
K015	Table-B	Chromium-(total)	7440-47-32	NA	0-094
	Table-B	Chromium-(total)	7440-47-32	NA	0-37
	Table-B	Chromium-(total)	7440-47-32	NA	0-094
	Table-B	Chromium-(total)	7440-47-32	NA	0-37
K021	Table-B	Antimony	7440-36-9	NA	0-23-4A
K022	Table-B	Chromium-(total)	7440-47-32	NA	5-2
	Table-B	Nickel	7440-52-9	NA	0-32
K028	Table-B	Chromium-(total)	7440-47-32	NA	0-073
	Seed	Chromium-(total)	7440-47-32	NA	0-021
	Nickel	Chromium-(total)	7440-47-32	NA	0-008
K031	Table-B	Arsenic	7440-30-2	NA	5-6-4A
K046	Table-B	Seed	7440-30-2	NA	0-10
K048	Table-B	Chromium-(total)	7440-47-32	NA	1-7
	Nickel	Chromium-(total)	7440-47-32	NA	0-20
K049	Table-B	Chromium-(total)	7440-47-32	NA	1-7
	Nickel	Chromium-(total)	7440-47-32	NA	0-20
K050	Table-B	Chromium-(total)	7440-47-32	NA	1-7
	Nickel	Chromium-(total)	7440-47-32	NA	0-20
K051	Table-B	Chromium-(total)	7440-47-32	NA	1-7
	Nickel	Chromium-(total)	7440-47-32	NA	0-20
K052	Table-B	Chromium-(total)	7440-47-32	NA	1-7
	Nickel	Chromium-(total)	7440-47-32	NA	0-20
K061	Table-B	Antimony	7440-36-9	NA	2-1
	Arsenic	7440-30-2	7440-30-2	NA	0-055
	Barium	7440-39-9	7440-39-9	NA	7-6
	Beryllium	7440-41-7	7440-41-7	NA	0-014
	Chromium	7440-43-9	7440-43-9	NA	0-19
	Chromium-(total)	7440-47-32	7440-47-32	NA	0-33
	Seed	7440-30-2	7440-30-2	NA	0-37
	Mercury	7439-97-6	7439-97-6	NA	0-009

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K062	Table-B	Chromium-(total)	7440-47-32	NA	0-094
	Seed	Chromium-(total)	7440-47-32	NA	0-37
K069	(Calcium-Sulfate-Subcategory)	7440-43-9	7440-43-9	NA	0-14
	Table-B	Cadmium	7440-43-9	NA	0-24
	Table-B	Lead	7439-92-1	NA	0-24
K071	Table-B	Mercury	7439-97-6	NA	0-225
K083	Table-B	Nickel	7440-02-0	NA	0-208
K084	Table-B	Arsenic	7440-30-2	NA	5-6-4A
K086	Table-B	Chromium-(total)	7440-47-32	NA	0-094
	Seed	Chromium-(total)	7440-47-32	NA	0-37
K087	Table-B	Seed	7439-92-1	NA	0-21
K100	Table-B	Cadmium	7440-43-9	NA	0-066
	Chromium-(total)	7440-47-32	7440-47-32	NA	5-2
	Seed	7439-92-1	7439-92-1	NA	0-21
K101	Table-B	Arsenic	7440-30-2	NA	5-6-4A
K102	Table-B	Arsenic	7440-30-2	NA	5-6-4A
K106	(Low-Mercury-Subcategory--less-than-260-mg/kg-Mercury--residues from-AMERC)	7439-97-6	7439-97-6	NA	0-320
	Table-B	Mercury	7439-97-6	NA	0-320
K106	(Low-Mercury-Subcategory--less-than-260-mg/kg-Mercury--that-are not-residues-from-AMERC)	7439-97-6	7439-97-6	NA	0-325
	Table-B	Mercury	7439-97-6	NA	0-32
K115	Table-B	Nickel	7440-02-0	NA	0-32

P-and-B-Listed-Wastes
CAS-No.-for

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Commercial Waste Chemical See Also	Regulated Hazardous Constituent	Regulated Concentration (mg/l)	Non Hazardous Waste Waters
P010 Table	Arsenic	7440-30-2	NA
*A			5-6
P011 Table	acid	7440-30-2	NA
*A			5-6
P012 Table	pentoxide	7440-30-2	NA
*A			5-6
P013 Table	trioxide	7440-30-3	NA
	Barium		5-6
P036 Table	Bichloro-	7440-30-2	NA
*A			5-6
P038 Table	phenylar-	7440-30-2	NA
*A			5-6
P065-(low-Mercury-Subcategory--less-than-260-mg/kg-Mercury--residues-from RMRE+)	Mercury	7439-97-6	NA
P095-(low-Mercury-Subcategory--less-than-260-mg/kg-Mercury--incinerator residues--land-are-not-residues-from-RMRE+)	Mercury	7439-97-6	NA
P093 Table	Nickel	7440-02-0	NA
P094 Table	Nickel	7440-02-0	NA
P092-(low-Mercury-Subcategory--less-than-260-mg/kg-Mercury--residues from RMRE+)	Mercury	7439-97-6	NA
P092-(low-Mercury-Subcategory--less-than-260-mg/kg-Mercury--incinerator residues--land-are-not-residues-from-RMRE+)	Mercury	7439-97-6	NA
P099 Table	Potassium	7440-22-4	NA
B	Silver		0-072

P103 Table	Selenium	7702-49-2	NA
P104 Table	Silver	7440-22-4	NA
P110 Table	Silver	7440-22-4	NA
P114 Table	Selenium	7702-49-2	NA
P032 Table	Chromium	7440-47-32	NA
P051 Table	Chromate	7439-92-1	NA
P136 Table	Acid	7440-30-2	NA
P144 Table	Acid	7439-92-1	NA
P145 Table	Acetate	7439-92-1	NA
P146 Table	Phosphate	7439-92-1	NA
P151-(low-Mercury-Subcategory--less-than-260-mg/kg-Mercury--residues-from RMRE+)	Mercury	7439-97-6	NA
P151-(low-Mercury-Subcategory--less-than-260-mg/kg-Mercury--that-are-not residues-from-RMRE+)	Mercury	7439-97-6	NA
P204 Table	Selenium	7702-49-2	NA
P205 Table	Selenium	7702-49-2	NA
P206 Table	Sulfide		5-7

*A--These--treatment--standards--have--been--based--on--EP--leachate--analysis--but--this--does--not--preclude--the--use--of--RGP--analysis--

*B--These--waste--codes--are--not--subcategorized--into--wastewaters--and--nonwastewaters--

NA--Not-Applicable

(Source: JUN 27 1995 at 19 Ill. Reg. effective 96604)

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476-Dinitro-o-cresol	534-52-1	9-20-B	1-01-A
274-Dinitrophenol	51-28-5	9-12-B	1-01-A
274-Dinitro-toluene	121-14-2	9-32-B	1-01-A
276-Dinitro-toluene	506-20-2	9-55-B	20-A
Di-n-Octyl-phthalate	117-84-9	9-01-B	20-A
Di-n-Propylphthalate	521-64-7	9-40-B	1-4-A
Doamine	122-39-4	9-52-B	NA
Diphenylamine	122-66-7	9-09-B	NA
1,2-Diphenylhydrazine	521-64-7	9-40-B	NA
Diethyleneglycol	123-31-1	9-12-B	1-01-A
Di-n-Octane	308-04-4	9-01-B	6-2-A
Endosulfon	939-98-0	9-02-B	9-066-A
Endosulfon-1	3323-6-5	9-02-B	9-13-A
Endosulfon-2	1931-07-0	9-02-B	9-13-A
Endosulfon-3	12-10-0	9-02-B	9-13-A
Endosulfon-4	1421-93-4	9-02-B	9-13-A
Endosulfon-5	14170-6	9-02-B	9-13-A
Endosulfon-6	107-12-0	9-02-B	9-02-A
Endosulfon-7	100-41-4	9-02-B	6-0-A
Endosulfon-8	60-39-7	9-12-B	1-01-A
Endosulfon-9	117-01-7	9-20-B	20-A
Endosulfon-10	117-01-7	9-20-B	20-A
Endosulfon-11	117-01-7	9-20-B	20-A
Endosulfon-12	117-01-7	9-20-B	20-A
Endosulfon-13	117-01-7	9-20-B	20-A
Endosulfon-14	117-01-7	9-20-B	20-A
Endosulfon-15	117-01-7	9-20-B	20-A
Endosulfon-16	117-01-7	9-20-B	20-A
Endosulfon-17	117-01-7	9-20-B	20-A
Endosulfon-18	117-01-7	9-20-B	20-A
Endosulfon-19	117-01-7	9-20-B	20-A
Endosulfon-20	117-01-7	9-20-B	20-A
Endosulfon-21	117-01-7	9-20-B	20-A
Endosulfon-22	117-01-7	9-20-B	20-A
Endosulfon-23	117-01-7	9-20-B	20-A
Endosulfon-24	117-01-7	9-20-B	20-A
Endosulfon-25	117-01-7	9-20-B	20-A
Endosulfon-26	117-01-7	9-20-B	20-A
Endosulfon-27	117-01-7	9-20-B	20-A
Endosulfon-28	117-01-7	9-20-B	20-A
Endosulfon-29	117-01-7	9-20-B	20-A
Endosulfon-30	117-01-7	9-20-B	20-A
Endosulfon-31	117-01-7	9-20-B	20-A
Endosulfon-32	117-01-7	9-20-B	20-A
Endosulfon-33	117-01-7	9-20-B	20-A
Endosulfon-34	117-01-7	9-20-B	20-A
Endosulfon-35	117-01-7	9-20-B	20-A
Endosulfon-36	117-01-7	9-20-B	20-A
Endosulfon-37	117-01-7	9-20-B	20-A
Endosulfon-38	117-01-7	9-20-B	20-A
Endosulfon-39	117-01-7	9-20-B	20-A
Endosulfon-40	117-01-7	9-20-B	20-A
Endosulfon-41	117-01-7	9-20-B	20-A
Endosulfon-42	117-01-7	9-20-B	20-A
Endosulfon-43	117-01-7	9-20-B	20-A
Endosulfon-44	117-01-7	9-20-B	20-A
Endosulfon-45	117-01-7	9-20-B	20-A
Endosulfon-46	117-01-7	9-20-B	20-A
Endosulfon-47	117-01-7	9-20-B	20-A
Endosulfon-48	117-01-7	9-20-B	20-A
Endosulfon-49	117-01-7	9-20-B	20-A
Endosulfon-50	117-01-7	9-20-B	20-A
Endosulfon-51	117-01-7	9-20-B	20-A
Endosulfon-52	117-01-7	9-20-B	20-A
Endosulfon-53	117-01-7	9-20-B	20-A
Endosulfon-54	117-01-7	9-20-B	20-A
Endosulfon-55	117-01-7	9-20-B	20-A
Endosulfon-56	117-01-7	9-20-B	20-A
Endosulfon-57	117-01-7	9-20-B	20-A
Endosulfon-58	117-01-7	9-20-B	20-A
Endosulfon-59	117-01-7	9-20-B	20-A
Endosulfon-60	117-01-7	9-20-B	20-A
Endosulfon-61	117-01-7	9-20-B	20-A
Endosulfon-62	117-01-7	9-20-B	20-A
Endosulfon-63	117-01-7	9-20-B	20-A
Endosulfon-64	117-01-7	9-20-B	20-A
Endosulfon-65	117-01-7	9-20-B	20-A
Endosulfon-66	117-01-7	9-20-B	20-A
Endosulfon-67	117-01-7	9-20-B	20-A
Endosulfon-68	117-01-7	9-20-B	20-A
Endosulfon-69	117-01-7	9-20-B	20-A
Endosulfon-70	117-01-7	9-20-B	20-A
Endosulfon-71	117-01-7	9-20-B	20-A
Endosulfon-72	117-01-7	9-20-B	20-A
Endosulfon-73	117-01-7	9-20-B	20-A
Endosulfon-74	117-01-7	9-20-B	20-A
Endosulfon-75	117-01-7	9-20-B	20-A
Endosulfon-76	117-01-7	9-20-B	20-A
Endosulfon-77	117-01-7	9-20-B	20-A
Endosulfon-78	117-01-7	9-20-B	20-A
Endosulfon-79	117-01-7	9-20-B	20-A
Endosulfon-80	117-01-7	9-20-B	20-A
Endosulfon-81	117-01-7	9-20-B	20-A
Endosulfon-82	117-01-7	9-20-B	20-A
Endosulfon-83	117-01-7	9-20-B	20-A
Endosulfon-84	117-01-7	9-20-B	20-A
Endosulfon-85	117-01-7	9-20-B	20-A
Endosulfon-86	117-01-7	9-20-B	20-A
Endosulfon-87	117-01-7	9-20-B	20-A
Endosulfon-88	117-01-7	9-20-B	20-A
Endosulfon-89	117-01-7	9-20-B	20-A
Endosulfon-90	117-01-7	9-20-B	20-A
Endosulfon-91	117-01-7	9-20-B	20-A
Endosulfon-92	117-01-7	9-20-B	20-A
Endosulfon-93	117-01-7	9-20-B	20-A
Endosulfon-94	117-01-7	9-20-B	20-A
Endosulfon-95	117-01-7	9-20-B	20-A
Endosulfon-96	117-01-7	9-20-B	20-A
Endosulfon-97	117-01-7	9-20-B	20-A
Endosulfon-98	117-01-7	9-20-B	20-A
Endosulfon-99	117-01-7	9-20-B	20-A
Endosulfon-100	117-01-7	9-20-B	20-A

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Isobutadiene	77-47-4	9-057-B	3-6-A
Hexachlorodibenzofuran	9-00063-B	9-00063-B	9-001-A
Hexachlorodibenzop-dioxin	9-00063-B	9-00063-B	9-001-A
Hexachloroethane	57-72-1	9-055-B	20-A
Hexachloropropene	1980-71-7	9-035-B	20-A
Indenol[2,3-c]pyrene	193-39-5	9-055-B	9-2-A
Isodimethane	74-00-4	9-019-B	65-A
Isobutanol	79-03-1	5-0-B	1-01-A
Isodrin	465-73-6	9-021-B	9-066-A
Isosafrole	120-58-1	9-001-B	2-6-A
Ketone	143-50-0	9-001-B	9-13-A
Methacrylo-nitrile	126-30-7	9-24-B	9-1-A
Methanol	67-56-1	5-6-B	NA
Methacrylene	91-00-5	9-001-B	1-5-A
Methoxychlor	72-43-5	9-25-B	9-10-A
3-Methoxychloranthrene	56-49-5	9-055-B	1-5-A
4,4-Methylene-bis-(2-chloroaniline)	101-14-4	9-50-B	3-5-A
Methylenechloride	75-09-2	9-009-B	3-3-A
Methyl-ethyl-ketone	70-93-3	9-20-B	3-6-A
Methyl-isobutyl-ketone	100-10-1	9-14-B	9-3-A
Methyl-methacrylate	90-62-6	9-14-B	1-01-A
Methacrylonitrile	66-27-3	9-010-B	NA
Methyl-parathion	298-00-40	9-014-B	4-6-B
Naphthalene	91-20-3	9-059-B	3-1-A
2-Naphthylamine	91-59-0	9-52-B	NA
p-Nitroaniline	100-04-6	9-020-B	20-A
Nitrobenzene	90-95-3	9-060-B	1-4-A
5-Nitro-2-toluidine	99-55-0	9-32-B	20-A
4-Nitrophenol	100-02-7	9-12-B	29-A
N-Nitrosodimethylamine	55-10-5	9-10-B	20-A

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

R001	Table-A	Naphthalene	91-20-3	9-031-A	1-5-A
		Pentachloro-			
		benzene	97-06-5	9-031-A	1-5-A
		Phenanthrene	95-01-0	9-10-A	7-4-A
		Pyrene	129-00-3	9-020-A	1-5-A
		Polychlorinated biphenyls	100-00-3	9-020-A	90-A
		Xylenes			
		total	9-032-A		90-A
		Seed	9-037-A		NA
R002	Table-A	Chromium	7439-92-1		NA
		total	7440-47-32	2-9-B	NA
		Seed	7439-92-1	3-4-B	NA
R003	Table-A	Chromium	7440-47-32		NA
		total	7440-47-32	9-9-B	NA
		Seed	7439-92-1	3-4-B	NA
R004	Table-A	Chromium	7440-47-32		NA
		total	7440-47-32	9-9-B	NA
		Seed	7439-92-1	3-4-B	NA
R005	Table-A	Chromium	7440-47-32		NA
		total	7440-47-32	9-9-B	NA
		Seed	7439-92-1	3-4-B	NA
R006	Table-A	Chromium	7440-47-32		NA
		total	7440-47-32	9-9-B	NA
		Seed	7439-92-1	3-4-B	NA
R007	Table-A	Chromium	7440-47-32		NA
		total	7440-47-32	9-9-B	NA
		Seed	7439-92-1	3-4-B	NA
R008	Table-A	Chromium	7440-47-32		NA
		total	7440-47-32	9-9-B	NA
		Seed	7439-92-1	3-4-B	NA
R009	NA	Chloroform	67-66-3	9-1	6-0-A
R010	NA	Chloroform	67-66-3	90-A	6-0
R011	NA	Acetonitrile	75-05-0	90-A	1-0

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

		Acrylonitrile	107-13-1	9-06	1-4
		Acrylamide	79-06-1	19-A	23-A
		Benzene	71-43-2	9-02	9-03
		Cyanide			
		total	57-12-5	21-A	57-A
		Acetonitrile	75-05-0	90-A	1-0-A
		Acrylonitrile	107-13-1	9-06	1-4-A
		Acrylamide	79-06-1	19-A	23-A
		Benzene	71-43-2	9-02	9-03-A
		Cyanide			
		total	57-12-5	21-A	57-A
		Acetonitrile	75-05-0	90-A	1-0-A
		Acrylonitrile	107-13-1	9-06	1-4-A
		Acrylamide	79-06-1	19-A	23-A
		Benzene	71-43-2	9-02	9-03-A
		Cyanide			
		total	57-12-5	21-A	57-A
		Anthracene	120-12-7	9-059	3-4-A
		Benzaldehyde	90-07-3	9-20	5-2-A
		Sum of Benzene	107-08-9	9-055	3-4
		total			
		Phenanthrene	85-01-0	9-05	3-4-A
		Pyrene	100-00-3	9-08	6-0-A
		Chromat			NA
		total	7440-47-32	9-32	NA
		Nickel	7440-02-0	9-44	NA
		Hexachloro-			
		benzene	110-74-1	9-055	20-A
		Hexachloro-			
		benzene	97-08-3	9-055	5-0-A
		Hexachloro-			
		benzene	77-47-4	9-057	5-0-A
		Hexachloro-			
		benzene	67-72-1	9-055	20-A
		Hexachloro-			
		benzene	127-10-4	9-056	6-0-A
		1,2-Dichloro-			
		propane	79-07	9-05-A-B	10-A
		1,2,3-Trichloro-			
		propane	96-10	9-05-A-B	20-A

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

ethylen	27-28-4	9-956	6-0-A	NA
cadmium	28-29-3	6-4		
chromium				
fluoride	29-30-32	9-955	NA	
lead	29-31-3	9-957	NA	
nickel	29-32-3	9-957	NA	
nitrogen				
phosphorus	29-33-3	9-956	6-0-A	
silicon	29-34-3	9-956	6-0-A	
tin	29-35-3	9-956	6-0-A	
vanadium	29-36-3	9-956	6-0-A	
zinc	29-37-3	9-956	6-0-A	
arsenic	29-38-3	9-956	6-0-A	
barium	29-39-3	9-956	6-0-A	
bismuth	29-40-3	9-956	6-0-A	
boron	29-41-3	9-956	6-0-A	
calcium	29-42-3	9-956	6-0-A	
carbon	29-43-3	9-956	6-0-A	
chlorine	29-44-3	9-956	6-0-A	
copper	29-45-3	9-956	6-0-A	
fluorine	29-46-3	9-956	6-0-A	
gold	29-47-3	9-956	6-0-A	
iron	29-48-3	9-956	6-0-A	
mercury	29-49-3	9-956	6-0-A	
magnesium	29-50-3	9-956	6-0-A	
manganese	29-51-3	9-956	6-0-A	
nickel	29-52-3	9-956	6-0-A	
potassium	29-53-3	9-956	6-0-A	
silver	29-54-3	9-956	6-0-A	
sodium	29-55-3	9-956	6-0-A	
strontium	29-56-3	9-956	6-0-A	
tellurium	29-57-3	9-956	6-0-A	
thallium	29-58-3	9-956	6-0-A	
tin	29-59-3	9-956	6-0-A	
vanadium	29-60-3	9-956	6-0-A	
zinc	29-61-3	9-956	6-0-A	
antimony	29-62-3	9-956	6-0-A	
barium	29-63-3	9-956	6-0-A	
bismuth	29-64-3	9-956	6-0-A	
boron	29-65-3	9-956	6-0-A	
calcium	29-66-3	9-956	6-0-A	
carbon	29-67-3	9-956	6-0-A	
chlorine	29-68-3	9-956	6-0-A	
copper	29-69-3	9-956	6-0-A	
fluorine	29-70-3	9-956	6-0-A	
gold	29-71-3	9-956	6-0-A	
iron	29-72-3	9-956	6-0-A	
mercury	29-73-3	9-956	6-0-A	
magnesium	29-74-3	9-956	6-0-A	
manganese	29-75-3	9-956	6-0-A	
nickel	29-76-3	9-956	6-0-A	
potassium	29-77-3	9-956	6-0-A	
silver	29-78-3	9-956	6-0-A	
sodium	29-79-3	9-956	6-0-A	
strontium	29-80-3	9-956	6-0-A	
tellurium	29-81-3	9-956	6-0-A	
thallium	29-82-3	9-956	6-0-A	
tin	29-83-3	9-956	6-0-A	
vanadium	29-84-3	9-956	6-0-A	
zinc	29-85-3	9-956	6-0-A	
antimony	29-86-3	9-956	6-0-A	
barium	29-87-3	9-956	6-0-A	
bismuth	29-88-3	9-956	6-0-A	
boron	29-89-3	9-956	6-0-A	
calcium	29-90-3	9-956	6-0-A	
carbon	29-91-3	9-956	6-0-A	
chlorine	29-92-3	9-956	6-0-A	
copper	29-93-3	9-956	6-0-A	
fluorine	29-94-3	9-956	6-0-A	
gold	29-95-3	9-956	6-0-A	
iron	29-96-3	9-956	6-0-A	
mercury	29-97-3	9-956	6-0-A	
magnesium	29-98-3	9-956	6-0-A	
manganese	29-99-3	9-956	6-0-A	
nickel	30-00-3	9-956	6-0-A	
potassium	30-01-3	9-956	6-0-A	
silver	30-02-3	9-956	6-0-A	
sodium	30-03-3	9-956	6-0-A	
strontium	30-04-3	9-956	6-0-A	
tellurium	30-05-3	9-956	6-0-A	
thallium	30-06-3	9-956	6-0-A	
tin	30-07-3	9-956	6-0-A	
vanadium	30-08-3	9-956	6-0-A	
zinc	30-09-3	9-956	6-0-A	
antimony	30-10-3	9-956	6-0-A	
barium	30-11-3	9-956	6-0-A	
bismuth	30-12-3	9-956	6-0-A	
boron	30-13-3	9-956	6-0-A	
calcium	30-14-3	9-956	6-0-A	
carbon	30-15-3	9-956	6-0-A	
chlorine	30-16-3	9-956	6-0-A	
copper	30-17-3	9-956	6-0-A	
fluorine	30-18-3	9-956	6-0-A	
gold	30-19-3	9-956	6-0-A	
iron	30-20-3	9-956	6-0-A	
mercury	30-21-3	9-956	6-0-A	
magnesium	30-22-3	9-956	6-0-A	
manganese	30-23-3	9-956	6-0-A	
nickel	30-24-3	9-956	6-0-A	
potassium	30-25-3	9-956	6-0-A	
silver	30-26-3	9-956	6-0-A	
sodium	30-27-3	9-956	6-0-A	
strontium	30-28-3	9-956	6-0-A	
tellurium	30-29-3	9-956	6-0-A	
thallium	30-30-3	9-956	6-0-A	
tin	30-31-3	9-956	6-0-A	
vanadium	30-32-3	9-956	6-0-A	
zinc	30-33-3	9-956	6-0-A	
antimony	30-34-3	9-956	6-0-A	
barium	30-35-3	9-956	6-0-A	
bismuth	30-36-3	9-956	6-0-A	
boron	30-37-3	9-956	6-0-A	
calcium	30-38-3	9-956	6-0-A	
carbon	30-39-3	9-956	6-0-A	
chlorine	30-40-3	9-956	6-0-A	
copper	30-41-3	9-956	6-0-A	
fluorine	30-42-3	9-956	6-0-A	
gold	30-43-3	9-956	6-0-A	
iron	30-44-3	9-956	6-0-A	
mercury	30-45-3	9-956	6-0-A	
magnesium	30-46-3	9-956	6-0-A	
manganese	30-47-3	9-956	6-0-A	
nickel	30-48-3	9-956	6-0-A	
potassium	30-49-3	9-956	6-0-A	
silver	30-50-3	9-956	6-0-A	
sodium	30-51-3	9-956	6-0-A	
strontium	30-52-3	9-956	6-0-A	
tellurium	30-53-3	9-956	6-0-A	
thallium	30-54-3	9-956	6-0-A	
tin	30-55-3	9-956	6-0-A	
vanadium	30-56-3	9-956	6-0-A	
zinc	30-57-3	9-956	6-0-A	
antimony	30-58-3	9-956	6-0-A	
barium	30-59-3	9-956	6-0-A	
bismuth	30-60-3	9-956	6-0-A	
boron	30-61-3	9-956	6-0-A	
calcium	30-62-3	9-956	6-0-A	
carbon	30-63-3	9-956	6-0-A	
chlorine	30-64-3	9-956	6-0-A	
copper	30-65-3	9-956	6-0-A	
fluorine	30-66-3	9-956	6-0-A	
gold	30-67-3	9-956	6-0-A	
iron	30-68-3	9-956	6-0-A	
mercury	30-69-3	9-956	6-0-A	
magnesium	30-70-3	9-956	6-0-A	
manganese	30-71-3	9-956	6-0-A	
nickel	30-72-3	9-956	6-0-A	
potassium	30-73-3	9-956	6-0-A	
silver	30-74-3	9-956	6-0-A	
sodium	30-75-3	9-956	6-0-A	
strontium	30-76-3	9-956	6-0-A	
tellurium	30-77-3	9-956	6-0-A	
thallium	30-78-3	9-956	6-0-A	
tin	30-79-3	9-956	6-0-A	
vanadium	30-80-3	9-956	6-0-A	
zinc	30-81-3	9-956	6-0-A	
antimony	30-82-3	9-956	6-0-A	
barium	30-83-3	9-956	6-0-A	
bismuth	30-84-3	9-956	6-0-A	
boron	30-85-3	9-956	6-0-A	
calcium	30-86-3	9-956	6-0-A	
carbon	30-87-3	9-956	6-0-A	
chlorine	30-88-3	9-956	6-0-A	
copper	30-89-3	9-956	6-0-A	
fluorine	30-90-3	9-956	6-0-A	
gold	30-91-3	9-956	6-0-A	
iron	30-92-3	9-956	6-0-A	
mercury	30-93-3	9-956	6-0-A	
magnesium	30-94-3	9-956	6-0-A	
manganese	30-95-3	9-956	6-0-A	
nickel	30-96-3	9-956	6-0-A	
potassium	30-97-3	9-956	6-0-A	
silver	30-98-3	9-956	6-0-A	
sodium	30-99-3	9-956	6-0-A	
strontium	31-00-3	9-956	6-0-A	
tellurium	31-01-3	9-956	6-0-A	
thallium	31-02-3	9-956	6-0-A	
tin	31-03-3	9-956	6-0-A	
vanadium	31-04-3	9-956	6-0-A	
zinc	31-05-3	9-956	6-0-A	
antimony	31-06-3	9-956	6-0-A	
barium	31-07-3	9-956	6-0-A	
bismuth	31-08-3	9-956	6-0-A	
boron	31-09-3	9-956	6-0-A	
calcium	31-10-3	9-956	6-0-A	
carbon	31-11-3	9-956	6-0-A	
chlorine	31-12-3	9-956	6-0-A	
copper	31-13-3	9-956	6-0-A	
fluorine	31-14-3	9-956	6-0-A	
gold	31-15-3	9-956	6-0-A	
iron	31-16-3	9-956	6-0-A	
mercury	31-17-3	9-956	6-0-A	
magnesium	31-18-3	9-956	6-0-A	
manganese	31-19-3	9-956	6-0-A	
nickel	31-20-3	9-956	6-0-A	
potassium	31-21-3	9-956	6-0-A	
silver	31-22-3	9-956	6-0-A	
sodium	31-23-3	9-956	6-0-A	
strontium	31-24-3	9-956	6-0-A	
tellurium	31-25-3	9-956	6-0-A	
thallium	31-26-3	9-956	6-0-A	
tin	31-27-3	9-956	6-0-A	
vanadium	31-28-3	9-956	6-0-A	
zinc	31-29-3	9-956	6-0-A	
antimony	31-30-3	9-956	6-0-A	
barium	31-31-3	9-956	6-0-A	
bismuth	31-32-3	9-956	6-0-A	
boron	31-33-3	9-956	6-0-A	
calcium	31-34-3	9-956	6-0-A	
carbon	31-35-3	9-956	6-0-A	
chlorine	31-36-3	9-956	6-0-A	
copper	31-37-3	9-956	6-0-A	
fluorine	31-38-3	9-956	6-0-A	
gold	31-39-3	9-956	6-0-A	
iron	31-40-3	9-956	6-0-A	
mercury	31-41-3	9-956	6-0-A	
magnesium	31-42-3	9-956	6-0-A	
manganese	31-43-3	9-956	6-0-A	
nickel	31-44-3	9-956	6-0-A	
potassium	31-45-3	9-956	6-0-A	
silver	31-46-3	9-956	6-0-A	
sodium	31-47-3	9-956	6-0-A	
strontium	31-48-3	9-956	6-0-A	
tellurium	31-49-3	9-956	6-0-A	
thallium	31-50-3	9-956	6-0-A	
tin	31-51-3	9-956	6-0-A	
vanadium	31-52-3	9-956	6-0-A	
zinc	31-53-3	9-956	6-0-A	
antimony	31-54-3	9-956	6-0-A	
barium	31-55-3	9-956	6-0-A	
bismuth	31-56-3	9-956	6-0-A	
boron	31-57-3	9-956	6-0-A	
calcium	31-58-3	9-956	6-0-A	
carbon	31-59-3	9-956	6-0-A	
chlorine	31-60-3	9-956	6-0-A	
copper	31-61-3	9-956	6-0-A	
fluorine	31-62-3	9-956	6-0-A	
gold	31-63-3	9-956	6-0-A	
iron	31-64-3	9-956	6-0-A	
mercury	31-65-3	9-956	6-0-A	
magnesium	31-66-3	9-956	6-0-A	
manganese	31-67-3	9-956	6-0-A	
nickel	31-68-3	9-956	6-0-A	
potassium	31-69-3	9-956	6-0-A	
silver	31-70-3	9-956	6-0-A	
sodium	31-71-3	9-956	6-0-A	
strontium	31-72-3	9-956	6-0-A	
tellurium	31-73-3	9-956	6-0-A	
thallium	31-74-3	9-956	6-0-A	
tin	31-75-3	9-956	6-0-A	
vanadium	31-76-3	9-956	6-0-A	
zinc	31-77-3	9-956	6-0-A	
antimony	31-78-3	9-956	6-0-A	
barium	31-79-3	9-956	6-0-A	
bismuth	31-80-3	9-956	6-0-A	
boron	31-81-3			

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K043	NA	2,4-Dichloro- benzene	100-02-1	0-055-B	4-4-A
		2,4-Dichloro- phenol	100-03-2	0-044	0-30-A
		2,6-Dichloro- phenol	107-65-0	0-044	0-34-A
		2,4,5-Trichloro- phenol	95-95-4	0-10	0-2-A
		2,4,6-Trichloro- phenol	00-06-2	0-035	7-6-A
		Tetrachloro- phenols-(total)		NA	0-00-A
		Pentachloro- phenol	07-06-5	0-009	1-9-A
		Hexachloro- phenol	79-01-6	0-056	1-7-A
		Heptachloro- phenol		0-000063	0-001-A
		Dibenzop- dioxins		0-000063	0-001-A
		Hexachloro- dibenzofurans		0-000063	0-001-A
		Pentachloro- dibenzo-p- dioxins		0-000063	0-001-A
		Pentachloro- dibenzo-furans		0-000063	0-001-A
		Tetrachloro- dibenzo-p- dioxins		0-000063	0-001-A
		Tetrachloro- dibenzo-furans		0-000063	0-001-A
K046	Table-A	Lead	7439-92-1	0-037	NA
K048	Table-A	Benzene	74-82-4	0-14-B	14-A
		Benzotripyrene	50-32-0	0-061-B	12-A
		Bis(2-ethyl- hexyl) phthalate	117-01-7	0-20-B	7-3-A
		Chrysene	218-01-9	0-059-B	15-A
		9,10-Dibenzyl phthalate	04-74-2	0-057-B	3-6-A
		Ethylbenzene	100-41-4	0-057-B	14-B
		Fluorene	00-73-7	0-059-B	NA
		Naphthalene	91-20-3	0-059-B	42-A
		Phenanthrene	05-01-0	0-059-B	34-A

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		Phenol	100-95-2	0-039-B	3-6-A
		Pyrene	1-29-00-0	0-067-B	36-A
		Indene	100-00-3	0-000-B	14-A
		Kylenes†	57-12-5	0-020-B	22-A
		Cyanides-(total)	7440-47-92	0-2	10-A
		Chromium-(total)	7439-92-1	0-037	NA
		Lead		0-037	NA
K049	Table-A	Anthracene	120-12-7	0-059-B	20-A
		Benzene	71-43-2	0-014-B	14-A
		Benzotripyrene	117-01-7	0-061-B	12-A
		Bis(2-ethyl- hexyl) phthalate	75-15-0	0-20-B	7-3-A
		Carbon disulfide	75-15-9	0-014-B	NA
		Chrysene	218-01-9	0-059-B	15-A
		2,4-Dimethyl phenol	100-61-9	0-036-B	NA
		Ethylbenzene	100-41-4	0-057-B	14-A
		Naphthalene	91-20-3	0-059-B	42-A
		Phenanthrene	95-01-0	0-059-B	34-A
		Phenol	100-95-2	0-039-B	3-6-A
		Pyrene	1-29-00-0	0-067-B	36-A
		Indene	100-00-3	0-000-B	14-A
		Kylenes†	57-12-5	0-020-B	22-A
		Cyanides-(total)	7440-47-92	0-2	10-A
		Chromium-(total)	7439-92-1	0-037	NA
K050	Table-A	Lead	7439-92-1	0-037	NA
		Benzotripyrene	50-32-0	0-061-B	12-A
		Phenol	100-95-2	0-039-B	3-6-A
		Cyanides-(total)	57-12-5	0-020-B	10-A
		Chromium-(total)	7440-47-92	0-2	NA
		Lead	7439-92-1	0-037	NA
K051	Table-A	Acenaphthene	200-96-0	0-059-B	NA
		Anthracene	120-12-7	0-059-B	30-A
		Benzene	71-43-2	0-014-B	14-A
		Benzotripyrene	117-01-7	0-059-B	20-A
		Indene	117-01-7	0-061-B	12-A
		Bis(2-ethyl- hexyl) phthalate	75-15-0	0-20-B	7-3-A
		Chrysene	218-01-9	0-059-B	15-A
		9,10-Dibenzyl phthalate	100-61-9	0-057-B	3-6-A
		Ethylbenzene	100-41-4	0-057-B	14-A

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0050	Chrysene	NA	Chrysene	210-01-9	0-50-B	-2-A
0051	Cresote	Table A	Naphthalene	91-20-3	0-31	-5-A
			Pentachloro-	07-06-5	0-10	-7-A
			phenol			
			Phenanthrene	05-01-9	0-031	-15-A
			Pyrene	129-00-0	0-020	-20-A
			Polycene	100-00-3	0-020	-33-A
			Xylenes		0-032	NA
			+Borax			
			Lead	7439-92-1	0-037	NA
0052	Cresols	NA	o-Cresol	95-40-7	0-11-B	-5-B
	-Cresylic acid					
			Cresols-m-		0-77-B	-3-B
			and-p-			
			isomers			
0057	Dyeio-	Table B	Styrene	100-34-1	0-36	NA
	hexanene		none			
0060	BBB	NA	0,1,4-DBB	53-19-0	0-023-B	0-07-A
			0,2,4-DBB	72-54-0	0-023-B	0-07-A
0061	BBB	NA	0,2,4-DBB	709-02-6	0-039-B	0-07-A
			0,2,4-DBB	50-29-3	0-039-B	0-07-A
			0,2,4-DBB	53-19-0	0-023-B	0-07-A
			0,2,4-DBB	72-54-0	0-023-B	0-07-A
			0,2,4-DBB	3424-02-6	0-031-B	0-07-A
			0,2,4-DBB	72-55-9	0-031-B	0-07-A
0063	Bibenz-	NA	Bibenz-			
	terat-		terat-	53-70-3	0-55-B	-2-A
	anthracene		anthracene			
0066	1,2-Dibromo-NA		1,2-Dibromo-	96-12-0	0-11-B	-5-
			3-chloro-			
	propane		propane			
0067	1,2-Di-	NA	1,2-Dibromo-	100-93-4	0-20-B	-5-A
	bromooethane		ethane			
	+Ethylene		+Ethylene-di-			
	di-bromide		bromide			
0068	Bt-	NA	Bibromo	74-95-3	0-11-B	-15-A

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			bromooethane			ethane
0069	Bt-n-butyl	NA	Bt-n-butyl	04-74-2	0-057-A	-20-
			phthalate			
0070	o-Bichloro-	NA	o-Bichloro-	95-50-1	0-00-B	-6-B
			benzene			
0071	m-Bichloro-	NA	m-Bichloro-	541-73-1	0-036	-6-B
			benzene			
0072	p-Bichloro-	NA	p-Bichloro-	104-46-7	0-00-B	-6-B
			benzene			
0075	Bichlorodi-	NA	Bichlorodi-	75-71-0	0-23-B	-7-B
			fluoro-			
			methane			
0076	1,1-Di-	NA	1,1-Di-	75-34-3	0-09-B	-7-B
			chloro-			
			ethane			
0077	1,2-Di-	NA	1,2-Di-	107-06-2	0-21-B	-7-B
			chloro-			
			ethane			
0078	1,1-Di-	NA	1,1-Di-	75-35-4	0-25-B	-33-A
			chloro-			
			ethylene			
0079	1,2-Di-	NA	trans-1,2-	156-60-5	0-04-B	-33-A
			Dichloro-			
			ethylene			
0080	Methylene	NA	Methylene	75-00-2	0-09-B	-33-A
	chloride		chloride			
0081	2,4-Di-	NA	2,4-Di-	120-03-2	0-44-B	-14-A
			chloro-			
			phenol			

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9136	Caedylate acid	Table A	Arsenic	9-79	NA	A	Methylene- bis(2- chloro- aniline)	9159	Methyl ethyl ketone	NA	91-93-3	91-29	96-4
9137	Endeno- pyrene	NA	Endeno- pyrene	9-85-5	9-2			9161	Methyl isobutyl ketone	NA	90-19-3	91-4	93-4
9138	Endomethane	NA	Endo- methane	9-88-4	65-			9162	Methyl methacrylate	NA	90-62-6	91-4	90-4
9139	Endobutyl acetone	NA	Endobutyl acetone	9-89-3	5-6	170-4		9165	Naphtha- lene	NA	91-23-3	91-59-B	9-2
9140	Endobutyl acetone	NA	Endobutyl acetone	9-89-3	9-80-1	2-6		9166	2-Naph thylamine	Table B	91-59-9	91-52-B	NA
9141	Endobutyl acetone	NA	Endobutyl acetone	9-89-3	9-80-1	NA		9169	Nitro- benzene	NA	90-95-3	91-60-B	91-4
9142	Endobutyl acetone	NA	Endobutyl acetone	9-89-3	9-80-1	NA		9170	4-Nitro- phenol	NA	100-02-7	91-12-B	29-
9143	Endobutyl acetone	NA	Endobutyl acetone	9-89-3	9-80-1	NA		9172	N-Nitroso- di-n-butyl- amine	NA	924-16-9	91-40-B	17-
9144	Endobutyl acetone	NA	Endobutyl acetone	9-89-3	9-80-1	NA		9174	N-Nitroso- diethylamine	NA	55-10-5	91-40-B	20-
9145	Endobutyl acetone	NA	Endobutyl acetone	9-89-3	9-80-1	NA		9179	N-Nitroso- 35-4 piperidine	NA	100-75-4	91-13	
9146	Endobutyl acetone	NA	Endobutyl acetone	9-89-3	9-80-1	NA		9180	N-Nitroso- 35-4 piperidine	NA	930-55-2	91-13	
9147	Endobutyl acetone	NA	Endobutyl acetone	9-89-3	9-80-1	NA							
9148	Endobutyl acetone	NA	Endobutyl acetone	9-89-3	9-80-1	NA							
9149	Endobutyl acetone	NA	Endobutyl acetone	9-89-3	9-80-1	NA							
9150	Endobutyl acetone	NA	Endobutyl acetone	9-89-3	9-80-1	NA							

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9151	Endobutyl acetone	NA	Endobutyl acetone	9-89-3	9-80-1	NA		9152	2-Naph thylamine	Table B	91-59-9	91-52-B	NA
9152	Endobutyl acetone	NA	Endobutyl acetone	9-89-3	9-80-1	NA		9153	Nitro- benzene	NA	90-95-3	91-60-B	91-4
9153	Endobutyl acetone	NA	Endobutyl acetone	9-89-3	9-80-1	NA		9154	4-Nitro- phenol	NA	100-02-7	91-12-B	29-
9154	Endobutyl acetone	NA	Endobutyl acetone	9-89-3	9-80-1	NA		9155	N-Nitroso- di-n-butyl- amine	NA	924-16-9	91-40-B	17-
9155	Endobutyl acetone	NA	Endobutyl acetone	9-89-3	9-80-1	NA		9156	N-Nitroso- diethylamine	NA	55-10-5	91-40-B	20-
9156	Endobutyl acetone	NA	Endobutyl acetone	9-89-3	9-80-1	NA		9157	N-Nitroso- 35-4 piperidine	NA	100-75-4	91-13	
9157	Endobutyl acetone	NA	Endobutyl acetone	9-89-3	9-80-1	NA		9158	N-Nitroso- 35-4 piperidine	NA	930-55-2	91-13	
9158	Endobutyl acetone	NA	Endobutyl acetone	9-89-3	9-80-1	NA							
9159	Endobutyl acetone	NA	Endobutyl acetone	9-89-3	9-80-1	NA							
9160	Endobutyl acetone	NA	Endobutyl acetone	9-89-3	9-80-1	NA							

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Section 728. TABLE C Technology Codes and Description of Technology-Based Standards

Technology

Code Description of technology-based standard

ADGAS Venting of compressed gases into an absorbing or reacting media (i.e., solid or liquid)--venting can be accomplished through physical release utilizing ~~valves~~ valves or piping; physical penetration of the container; ~~and~~ or penetration through detonation.

AMELGM Amalgamation of liquid, elemental mercury contaminated with radioactive materials utilizing inorganic reagents such as copper, zinc, nickel, gold, and sulfur that result in a nonliquid, semi-solid amalgam and thereby reducing potential emissions of elemental mercury vapors to the air.

BIODG Biodegradation of organics or non-metallic inorganics (i.e., degradable inorganics that contain the elements of phosphorus, nitrogen, and sulfur) in units operated under either aerobic or anaerobic conditions such that a surrogate compound or indicator parameter has been substantially reduced in concentration in the residuals (e.g., ~~total organic carbon~~ organic-carbon total organic carbon (TOC) can often be used as an indicator parameter for the biodegradation of many organic constituents that cannot be directly analyzed in wastewater residues).

CARB Carbon adsorption (granulated or powdered) or non-metallic inorganics, organo-metallics, ~~and/or~~ organic constituents, operated ~~such~~ so that a surrogate compound or indicator parameter has not undergone breakthrough (e.g., ~~total-organic-carbon~~ total organic carbon (TOC) can often be used as an indicator parameter for the adsorption of many organic constituents that cannot be directly analyzed in wastewater residues). Breakthrough occurs when the carbon has become saturated with the constituent (or indicator parameter) and substantial change in adsorption rate associated with that constituent occurs.

CHOXD Chemical or electrolytic oxidation utilizing the following oxidation reagents (or waste reagents) or combinations of reagents:

- 1) Hypochlorite hypochlorite (e.g., bleach);
- 2) chlorine;
- 3) chlorine dioxide;
- 4) ozone or UV (ultraviolet light) assisted ozone;
- 5) peroxides;
- 6) persulfates;
- 7) perchlorates;
- 8) permanganates; ~~and/or~~

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- 9) other oxidizing reagents of equivalent efficiency, performed in units operated ~~such~~ so that a surrogate compound or indicator parameter has been substantially reduced in concentration in the residuals (e.g., ~~total-organic-carbon~~ total organic carbon (TOC) can often be used as an indicator parameter for the oxidation of many organic constituents that cannot be directly analyzed in wastewater residues). Chemical oxidation specifically includes what is commonly referred to as alkaline chlorination.

CHRED Chemical reduction utilizing the following reducing reagents (or waste reagents) or combinations of reagents:

- 1) Sulfur sulfur dioxide;
- 2) sodium, potassium, or alkali salts of sulfites, disulfites, metabisulfites, and polyethylene glycols (e.g., NAEPS and KPEG);
- 3) sodium hydrosulfide;
- 4) ferrous salts; ~~and/or~~
- 6) other reducing reagents of equivalent efficiency, performed in units operated such that a surrogate compound or indicator parameter has been substantially reduced in concentration in the residuals (e.g., ~~total-organic-Halogens~~ total organic halogens (TOX) can often be used as an indicator parameter for the reduction of many halogenated organic constituents that cannot be directly analyzed in wastewater residues). Chemical reduction is commonly used for the reduction of hexavalent chromium to the trivalent state.

CHBST Combustion in incinerators, boilers, or industrial furnaces operated in accordance with the applicable requirements of 35 Ill. Adm. Code 724.Subpart O or 35 Ill. Adm. Code 726.Subpart H.

DEACT Deactivation to remove the hazardous characteristics of a waste due to its ignitability, corrosivity, ~~and/or~~ reactivity.

FSUBS Fuel substitution in units operated in accordance with applicable technical operating requirements.

HLVIT Vitrification of high level mixed radioactive wastes in units in compliance with all applicable radioactive protection requirements under control of the Federal Nuclear Regulatory Commission.

IMERC Incineration of wastes containing organics and mercury in units operated in accordance with the technical operating requirements of 35 Ill. Adm. Code 724.Subpart O or 725.Subpart O. All wastewater and nonwastewater residues derived from this process must then comply with the corresponding treatment standards per waste code with consideration of any applicable subcategories (e.g., High high or low-Mercury Subcategories low mercury subcategories).

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RCGAS Recovery or reuse of compressed gases including techniques such as reprocessing of the gases for reuse or resale; filtering or adsorption of impurities; remixing for direct reuse or resale; and use of the gas as a fuel source.

RCORR Recovery of acids or bases utilizing one or more of the following recover techniques:

- 1) Distillation distillation (i.e., thermal concentration):
- 2) ion exchange;
- 3) resin or solid adsorption;
- 4) reverse osmosis; and/or
- 5) incineration for the recover of acid--Note: this does not preclude the use of other physical phase separation or concentration techniques such as decantation, filtration (including ultrafiltration), and centrifugation, when used in conjunction with the above listed recovery technologies.

RLEAD Thermal recovery of lead in secondary lead smelters.

RMERC Retorting or roasting in a thermal processing unit capable of volatilizing mercury and subsequently condensing the volatilized mercury for recovery. The retorting or roasting unit (or facility) must be subject to one or more of the following:

- a) A National--Emissions--Standard national emissions standard for Hazardous-Air-Pollutants hazardous air pollutants (NESHAP) for mercury (40 CFR 61, Subpart E);
- b) A Best--Available--Control--Technology best available control technology (BACT) or a Lowest-Achievable lowest achievable Emission Rate emission rate (LAER) standard for mercury imposed pursuant to a Prevention prevention of Significant-Deterioration significant deterioration (PSD) permit (including 35 Ill. Adm. Code 201 through 203); or
- c) A state permit that establishes emission limitations (within meaning of Section 302 of the Clean Air Act) for mercury, including a permit issued pursuant to 35 Ill. Adm. Code 201. All wastewater and nonwastewater residues derived from this process must then comply with consideration of any applicable subcategories (e.g., High high or Low-Mercury-Subcategories low mercury subcategories).

RMETL Recovery of metals or inorganics utilizing one or more of the following direct physical or removal technologies:

- 1) ion ion exchange;
- 2) resin or solid (i.e., zeolites) adsorption;
- 3) reverse osmosis;
- 4) chelation or solvent extraction;

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RMGIN Incineration in units operated in accordance with the technical operating requirements of 35 Ill. Adm. Code 724.Subpart 0 or 725.Subpart 0.

RLTFL Liquid-liquid extraction (often referred to as solvent extraction) of organics from liquid wastes into an immiscible solvent for which the hazardous constituents have a greater solvent affinity, resulting in an extract high in organics that must undergo either incineration, reuse as a fuel, or other recovery or reuse and a raffinate (extracted liquid waste) proportionately low in organics that must undergo further treatment as specified in the standard.

MACRO Macroencapsulation with surface coating materials such as polymeric organics (e.g., resins and plastics) or with a jacket of inert inorganic materials to substantially reduce surface exposure to potential leaching media. Macroencapsulation specifically does not include any material that would be classified as a tank or container according to 35 Ill. Adm. Code 720.110.

NEUTR Neutralization with the following reagents (or waste reagents) or combinations of reagents:

- 1) Acids acids;
- 2) bases; or
- 3) water (including wastewaters) resulting in a pH greater than 2 but less than 12.5 as measured in the aqueous residuals.

NLDBR No land disposal based on recycling.

PRECP Chemical precipitation of metals and other inorganics as insoluble precipitates of oxides, hydroxides, carbonates, sulfides, sulfates, chlorides, fluorides, or phosphates. The following reagents (or waste reagents) are typically used alone or in combination:

- 1) lime lime (i.e., containing oxides and/or hydroxides of calcium and/or magnesium);
- 2) caustic (i.e., sodium and/or potassium hydroxides);
- 3) soda ash (i.e., sodium carbonate);
- 4) sodium sulfide;
- 5) ferric sulfate or ferric chloride;
- 6) alum; or
- 7) sodium sulfate. Additional flocculating, coagulation, or similar reagents or processes that enhance sludge dewatering characteristics are not precluded from use.

RBRY Thermal recovery of Beryllium beryllium.

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- 5) freeze crystallization;
- 6) ultrafiltration; ~~and/or~~
- 7) simple precipitation (i.e., crystallization)

Note: This does not preclude the use of other physical phase separation or concentration techniques such as decantation, filtration (including ultrafiltration), and centrifugation, when used in conjunction with the above listed recovery technologies.

RORGS Recovery of organics utilizing one or more of the following technologies:

- 1) Distillation;
- 2) thin film evaporation;
- 3) steam stripping;
- 4) carbon adsorption;
- 5) critical fluid extraction;
- 6) liquid-liquid extraction;
- 7) precipitation ~~or~~ crystallization (including freeze crystallization); or
- 8) chemical phase separation techniques (i.e., addition of acids, bases, demulsifiers, or similar chemicals).

Note: This does not preclude the use of other physical phase separation techniques such as decantation, filtration (including ultrafiltration), and centrifugation, when used in conjunction with the above listed recovery technologies.

RTHRM Thermal recover of metals or inorganics from nonwastewaters in units defined as cement kilns, blast furnaces, smelting, melting and refining furnaces, combustion devices used to recover sulfur values from spent sulfuric acid and "other devices" determined by the Agency pursuant to 35 Ill. Adm. Code 720.110, the definition of "industrial furnace".

RZINC Resmelting in high temperature metal recovery units for the purpose of recovery of zinc.

STABL Stabilization with the following reagents (or waste reagents) or combinations of reagents:

- 1) Portland cement; or
- 2) lime ~~or~~ pozzolans (e.g., fly ash and cement kiln dust)--this does not preclude the addition of reagents (e.g., iron salts, silicates, and clays) designed to enhance the set ~~or~~ cure time ~~and/or~~ compressive strength, or to overall reduce the leachability of the metal or inorganic.

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SSTRP Stream stripping of organics from liquid wastes utilizing direct application of steam to the wastes operated such that liquid and vapor flow rates, as well as, temperature and pressure ranges have been optimized, monitored, and maintained. These operating parameters are dependent upon the design parameters of the unit such as, the number of separation stages and the internal column design. Thus, resulting in a condensed extract high in organics that must undergo either incineration, reuse as a fuel, or other recovery ~~or~~ reuse and an extracted wastewater that must undergo further treatment as specified in the standard.

WETOX Wet air oxidation performed in units operated such that a surrogate compound or indicator parameter has been substantially reduced in concentration in the residuals (e.g., ~~total-organic-carbon~~ total organic carbon (TOC) can often be used as an indicator parameter for the oxidation of many organic constituents that cannot be directly analyzed in wastewater residues).

WTRRX Controlled reaction with water for highly reactive inorganic or organic chemicals with precautionary controls for protection of workers from potential violent reactions as well as precautionary controls for potential emissions of toxic ~~or~~ ignitable levels of gases released during the reaction.

Note 1: When a combination of these technologies (i.e., a treatment train) is specified as a single treatment standard, the order of application is specified in Section 728, Table B ~~T~~ by indicating the five letter technology code that must be applied first, then the designation "fb." (an abbreviation for "followed by"), then the five letter technology code for the technology that must be applied next, and so on.

Note 2: When more than one technology (or treatment train) are specified as alternative treatment standards, the five letter technology codes (or the treatment trains) are separated by a semicolon (;) with the last technology preceded by the word "OR". This indicates that any one of these BDM technologies or treatment trains can be used for compliance with the standard.

(Source: Amended at 13 Ill. Reg. 9660, effective JUN 27 1995)

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8003	NA	NA	NA	BEAC	Water reactives based-on-35 fif--Adm Code-321-123 12127761377 and-12144	8-B	-97-6	RMER	+High-Mercury Subcategory-- greater-than or-equal-to 260-mg/kg total Mercury-- containing-mer- cury-and organics--and are-not incinerator residues-- Mercury
8003	NA	NA	BEAC	BEAC	Other reactives-based on-35-1117 Adm-Code 721-123127 117	8009 Tables-A 8-B	7439 -97-6	NA RMER	Mercury +High-Mercury Subcategory-- greater-than or-equal-to 260-mg/kg total-Mer- cury-- organics including incinerator residues--from RMER17
8006	NA	7439 -97-9	NA	RHERM	Cadmium- containing batteries	8012 Table-B	72-20 -0	NA BI007-02 ENGIN	Endrin
8008	NA	7439 -92-1	NA	RBEAD	Lead-acid batteries +Not-- this-stand- ard-only applies-to lead-acid batteries that-are identified as-RERA materials waxes-and ther-are-not excluded-else- where-from regulation under-the-land disposal regulations or-when-part or-exempted under-other regulations see-3-1117 Adm-Code 726-110777	8013 Table-B	50-09 -9	NA GARBN7-02 ENGIN	Endane
8009	Tables-A	7439	NA	IMERE7-02	Mercury	8014 Table-B	72-13 -5	NA WE0X7-02 ENGIN	Methoxychlor
						8015 Table-B	0001 -35-1	NA BI007-02 ENGIN	Toxaphene
						8016 Table-B	94-75 -7	NA CH0X7-02 ENGIN	274-B
						8017 Table-B	99-72 -1	NA CH0X7-02 ENGIN	27475-92

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

8003	NA	NA	NA	BEAC	Water reactives based-on-35 fif--Adm Code-321-123 12127761377 and-12144	8-B	-97-6	RMER	+High-Mercury Subcategory-- greater-than or-equal-to 260-mg/kg total Mercury-- containing-mer- cury-and organics--and are-not incinerator residues-- Mercury
8003	NA	NA	BEAC	BEAC	Other reactives-based on-35-1117 Adm-Code 721-123127 117	8009 Tables-A 8-B	7439 -97-6	NA RMER	Mercury +High-Mercury Subcategory-- greater-than or-equal-to 260-mg/kg total-Mer- cury-- organics including incinerator residues--from RMER17
8006	NA	7439 -97-9	NA	RHERM	Cadmium- containing batteries	8012 Table-B	72-20 -0	NA BI007-02 ENGIN	Endrin
8008	NA	7439 -92-1	NA	RBEAD	Lead-acid batteries +Not-- this-stand- ard-only applies-to lead-acid batteries that-are identified as-RERA materials waxes-and ther-are-not excluded-else- where-from regulation under-the-land disposal regulations or-when-part or-exempted under-other regulations see-3-1117 Adm-Code 726-110777	8013 Table-B	50-09 -9	NA GARBN7-02 ENGIN	Endane
8009	Tables-A	7439	NA	IMERE7-02	Mercury	8014 Table-B	72-13 -5	NA WE0X7-02 ENGIN	Methoxychlor
						8015 Table-B	0001 -35-1	NA BI007-02 ENGIN	Toxaphene
						8016 Table-B	94-75 -7	NA CH0X7-02 ENGIN	274-B
						8017 Table-B	99-72 -1	NA CH0X7-02 ENGIN	27475-92

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

R023	Tables A 5-B	7-1-76 -	4HEB8-02 5E0XB1-fb 5ARBNT-02 ENGINE	ENGINE	2-Nitro- propane
R025	Tables A 5B	1-19-79 -	5E0XB1-02 ENGINE	ENGINE	2-Ethoxy ethanol
R024	Tables A 5-B	NA	ENGINE	ENGINE	-----
R025	NA	NA	5E0XB1-fb 5E0XB1-fb 5ARBNT-02 ENGINE	ENGINE	Distillation bottoms from the production of nitro- benzene by the nitration of benzene
R026	NA	NA	ENGINE	ENGINE	Stripping still-tails from the production of methyl-ethyl pyridines
R027	NA	NA	5ARBNT-02 ENGINE	5E0XB1-02 ENGINE	Centrifuge and distillation residues from toluene-diiso- cyanate pro- duction
R039	NA	NA	5ARBNT-02 ENGINE	5E0XB1-02 ENGINE	Filter cake from the filtration of diethylphospho- rodithioic acid in the production of phorate
R044	NA	NA	5E0XB1 ENGINE	5E0XB1	Wastewater treatment sludges from the manufac- turing and

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

R045	NA	NA	5E0XB1	5E0XB1	Spent carbon from the treatment of wastewater containing explosives
R047	NA	NA	5E0XB1	5E0XB1	Pinked water from unit operations
R069	Tables A 5-B	NA	NA	5E0XB1	Emission control sludge from secondary lead smelting Non-Chloram Sulfate Subcategory
R106	Tables A 5-B	NA	NA	5E0XB1	Wastewater treatment sludge from the mercury cell process in chlorine production High Mercury Subcategory Greater than or equal to 200 mg/kg total mercury
R107	NA	NA	ENGINE-02 5E0XB1-fb 5ARBNT-02 5E0XB1-fb CARDN	ENGINE- 5E0XB1-fb 5ARBNT-02 5E0XB1-fb CARDN	Solvent bottoms from product separation from the production of n-butyl- methazine hydroxide from carboxylic acid hydrazides

POLLUTION CONTROL BOARD
NOTICE OF ADOPTED AMENDMENTS

8123	NA	NA	ENGIN+or ENGIN-fb +BIOSG-or CARBN+	ENGIN-	the solvent recovery-column in-----the production of-----solvent diso- cyanate-via progenation or-toluene- diamine Process-waste- water (including supernates slit- rates)-----and wash- waters)-----from the production-of ethylenebis- dichloroamtic acid-and its-salts Reactor-vent scrubber-water from-the-pro- duction-of ethylenebisdi- thioamtic acid and-its-salts Distillation evapo- ration)-----and centri- fugation-solids from-the-pro- duction-of ethylenebisdi- thioamtic acid-and-its salts Baghouse-dust
8124	NA	NA	ENGIN+or ENGIN-fb +BIOSG-or CARBN+	ENGIN-	
8125	NA	NA	ENGIN+or ENGIN-fb +BIOSG-or CARBN+	ENGIN-	
8126	NA	NA	ENGIN+or	ENGIN-	

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			ENGIN-fb +BIOSG-or CARBN+		and-----sloof sweepings in-milling-and packaging opera- tions-----from-the prode- tion-----or combustion of-----ethylene bis-dichloro- carbamate-----acid and its-salts Waterfall (A-0-304)
	P001	NA	91-01 -2	PSUBS+or ENGIN	
	P002	NA	591-00 -2	ENGIN	+WETEX-or ENGIN-fb CARBN+or ENGIN +WETEX-or ENGIN-fb CARBN+or ENGIN +WETEX-or ENGIN-fb CARBN+or ENGIN
	P003	NA	107-02 -0	PSUBS+or ENGIN	Acetone
	P005	NA	107-10 -6	PSUBS+or ENGIN	Allyl-ethanol
	P006	NA	20059 -13-9	ENGIN+or ENGIN-fb ENGIN	Aluminum phosphide
	P007	NA	2763-96 -4	ENGIN	5-Aminoethyl 3-isoxazole
	P008	NA	504-24 -5	ENGIN	4- Aminopyridine

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

P039	NA	131-74 -8	CHXB+ CHXB+ CARBN+ BIOS+ INGIN	PSBS+ CHXB+ CHXB+ CHXB+ INGIN	Ammonium picrate	
P034	NA	100-95 -5	WETX+ CHXB+ CARBN+ INGIN	INGIN	phosphoric benzene chloride	
P035	NA	740-41 -7	RMBS+ RTHM	RMBS+ RTHM	Beryllium powder	
P036	NA	542-00 -7	WETX+ CHXB+ CARBN+ INGIN	INGIN	Bischloro- methoxy-ether	
P037	NA	590-31 -2	WETX+ CHXB+ CARBN+ INGIN	INGIN	Bromocetone	
P038	NA	357-57 -3	WETX+ CHXB+ CARBN+ INGIN	INGIN	Brucine	
P032	Table-B	75-15 -9	NA	INGIN	Carbon disulfide	
P033	NA	107-20 -9	WETX+ CHXB+ CARBN+ INGIN	INGIN	chloro- acetaldehyde	
P036	NA	534-02 -7	WETX+ CHXB+ CARBN+ INGIN	INGIN	1,1-dichloro- phenyl-etho- urea	
P037	NA	542-76 -7	WETX+ CHXB+ CARBN+ INGIN	INGIN	3-chloro- propanitrile	
P030	NA	100-44	WETX+ CHXB+ CARBN+ INGIN	INGIN	Benzyl	

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NOTICE OF ADOPTED AMENDMENTS

P031	NA	460-19 -5	CHXB+ WETX+ INGIN	CHXB+ WETX+ INGIN	chloride	
P033	NA	546-77 -4	CHXB+ WETX+ INGIN	CHXB+ WETX+ INGIN	cyanogen	
P034	NA	131-09 -5	WETX+ CHXB+ CARBN+ INGIN	INGIN	2-ethylhexyl- 476-dinitro- phenol	
P040	NA	297-97 -2	CARB+ INGIN	PSBS+ INGIN	1,1-dichloro- 2,2,2-trifluoro- ethane	
P041	NA	311-45 -5	CARB+ INGIN	PSBS+ INGIN	1,1-dichloro- 2,2,2-trifluoro- ethane	
P042	NA	51-43 -4	WETX+ CHXB+ CARBN+ INGIN	INGIN	epinephrine	
P043	AN	55-91 -4	CARB+ INGIN	PSBS+ INGIN	1,1-dichloro- 2,2,2-trifluoro- ethane	
P044	NA	60-51 -5	CARB+ INGIN	PSBS+ INGIN	1,1-dichloro- 2,2,2-trifluoro- ethane	
P045	NA	30196-10 -4	WETX+ CHXB+ CARBN+ INGIN	INGIN	1,1-dichloro- 2,2,2-trifluoro- ethane	
P046	NA	132-09 -8	WETX+ CHXB+ CARBN+ INGIN	INGIN	1,1-dichloro- 2,2,2-trifluoro- ethane	

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NOTICE OF ADOPTED AMENDMENTS

2947	NA	534-52 -2	+WETOK-or CHOKB+-fb CARBN+-or INGIN	INGIN	476-Dinitro- o-cresol-salts
2949	NA	541-53 -2	+WETOK-or CHOKB+-fb CARBN+-or INGIN	INGIN	274-Dithio- bimsec
2954	NA	551-56 -4	+WETOK-or CHOKB+-fb CARBN+-or INGIN	INGIN	Azitiidine
2956	Table-B	552-41 -4	NA	486A5-fb WETOR	Fluorine
2957	NA	540-29 -2	+WETOK-or CHOKB+-fb CARBN+-or INGIN	INGIN	Fluoro- acetamide
2958	NA	55-74 -3	+WETOK-or CHOKB+-fb CARBN+-or INGIN	INGIN	Fluoroacetic acid-sodium salt
2962	NA	757-68 -4	CARBN+-or INGIN	PSUBS-or INGIN	Hexaethyl- tetraphosphate
2964	NA	624-83 -3	+WETOK-or CHOKB+-fb CARBN+-or INGIN	INGIN	Isoyanic acid-ethyl ester
2965	Table-A 5-B	620-86 4	NA	EMERE	Mercury cyanide +High-Mercury Subcategory-- greater-than or-equal-to 260-mg/kg total-Mercury-- either incinerator residues-or residues-from

POLLUTION CONTROL BOARD
NOTICE OF ADOPTED AMENDMENTS

2965	Table-A 5-B	620-86 -4	NA	EMERE	RMERG+
					Mercury cyanide +All-non- wastewaters-- that-are-not incinerator residues or-are-not residues-from RMERG- regardless-of Mercury content+
2966	NA	5652-77 -5	+WETOK-or CHOKB+-fb CARBN+-or INGIN	INGIN	Methomyl
2967	NA	55-55 -4	+WETOK-or CHOKB+-fb CARBN+-or INGIN	INGIN	2-Methyl- aziridine
2968	NA	60-34 -4	CHOKB+ CHRB+ CARBN+-or BIOB6+-or INGIN	PSUBS+ CHRB+-or INGIN	Methyl hydrazine
2969	NA	55-86 -5	+WETOK-or CHOKB+-fb CARBN+-or INGIN	INGIN	Methylscto- nitrite
2970	NA	56-86 -3	+WETOK-or CHOKB+-fb CARBN+-or INGIN	INGIN	Aldicarb
2972	NA	96-88 -4	+WETOK-or CHOKB+-fb CARBN+-or INGIN	INGIN	1-Naphthyl-2- chloride
2975	NA	54-11	+WETOK-or	INGIN	Nicotine-and

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NOTICE OF ADOPTED AMENDMENTS

2076	NA	10102-43 -4	ABGAS	ABGAS	seals
2077	NA	10102-44 -4	ABGAS	ABGAS	Nitrite-oxide
2081	NA	55-63 -4	CHOKB7 CHREB7 CARBN7 BIOSB7-or INEIN	PSBBS7 CHOKB7 CHREB7-or INEIN	Nitrogen dioxide
2082	Table-B	62-75 -4	NA	INEIN	Nitroglycerin
2084	NA	4549-40 -4	(WETOX-or CHOKB7-fb CARBN7-or INEIN	INEIN	N-Nitrosodi- methylamine
2085	NA	153-16 -9	CARBNT-or INEIN	PSBBS7-or INEIN	N-Nitroso- methylvinyl- amine
2087	NA	20016-12 -4	RMBE7 or-RTHRM	RMBE7-or RTHRM	Octamethyl- pyrophosphor- amide
2088	NA	145-73 -3	(WETOX-or CHOKB7-fb CARBN7-or INEIN	PSBBS7-or INEIN	Osmium tetroxide
2092	Table-A 8-B	62-30 -4	NA	RMBRE	Endothall

Phenyl-mercury
acetate;
High-Mercury
Subcategory--
greater-than
or-equal-to
260-mg/kg
total
Mercury--
either
incinerator
residues-or

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2092	Table-A 8-B	62-30 -4	NA	EMERE7-or RMBRE	residues-from RMBRE7
2093	NA	103-05 -5	(WETOX-or CHOKB7-fb CARBN7-or INEIN	INEIN	Phenyl-mercury acetate; High-Mercury wastewaters that-are-not incinerator residues-and are-not residues-and are-not residues-from RMBRE7 regardless-of Mercury concentr
2095	NA	75-44 -5	(WETOX-or CHOKB7-fb CARBN7-or INEIN	INEIN	Phosgene
2096	NA	7003-51 -2	CHOKB7 CHREB7-or INEIN	CHOKB7 CHREB7-or INEIN	Phosphine
2102	NA	107-19 -7	(WETOX-or CHOKB7-fb CARBN7-or INEIN	PSBBS7-or INEIN	Propargyl alcohol
2105	NA	26620-22 -3	CHOKB7 CHREB7-CARBN BIOSB7-or INEIN	PSBBS7 CHOKB7 CHREB7-or INEIN	Sodium-azide
2108	NA	57-24 -3-A	(WETOX-or CHOKB7-fb CARBN7-or INEIN	INEIN	Styrene-and salts

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NOTICE OF ADOPTED AMENDMENTS

P109	NA	3009-24 -5	SARBNT-OR INGIN	PSUBST-OR INGIN	Potassium bromide
P112	NA	5009-14 9	CHOKB+ CHOKB+ SARBNT-OR PSUBST-OR INGIN	PSUBST-OR CHOKB+ CHOKB+ SARBNT-OR INGIN	Potassium methoxide
P113	Table-B	1314-32 -5	NA	RPHRM-OR STABE	Phthalic anhydride
P115	Table-B	2446-19 -5	NA	RPHRM-OR STABE	Phthalic anhydride
P116	NA	70-19 -5	CHOKB+ CHOKB+ SARBNT-OR INGIN	CHOKB+ CHOKB+ SARBNT-OR INGIN	Phthalic anhydride
P118	NA	75-19 -5	CHOKB+ CHOKB+ SARBNT-OR INGIN	CHOKB+ CHOKB+ SARBNT-OR INGIN	Phthalic anhydride
P119	Table-B	7003-55 -5	NA	STABE	Phthalic anhydride
P120	Table-B	1314-62 -1	NA	STABE	Phthalic anhydride
P122	NA	1314-84 -7	CHOKB+ CHOKB+ SARBNT-OR INGIN	CHOKB+ CHOKB+ SARBNT-OR INGIN	Phthalic anhydride
P001	NA	75-17 -3	CHOKB+ CHOKB+ SARBNT-OR INGIN	CHOKB+ CHOKB+ SARBNT-OR INGIN	Phthalic anhydride
P003	Table-B	75-15 -1	NA	INGIN	Phthalic anhydride
P006	NA	75-16 -7	CHOKB+ CHOKB+ SARBNT-OR INGIN	CHOKB+ CHOKB+ SARBNT-OR INGIN	Phthalic anhydride

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NOTICE OF ADOPTED AMENDMENTS

0007	NA	79-06 -1	CHOKB+ CHOKB+ SARBNT-OR INGIN	INGIN	Acrylamide
0008	NA	79-10 -7	CHOKB+ CHOKB+ SARBNT-OR INGIN	PSUBST-OR INGIN	Acrylic acid
0010	NA	50-07 -7	CHOKB+ CHOKB+ SARBNT-OR INGIN	INGIN	Mitomycin-C
0011	NA	61-02 -5	CHOKB+ CHOKB+ SARBNT-OR INGIN	INGIN	Amide
0014	NA	402-00 -9	CHOKB+ CHOKB+ SARBNT-OR INGIN	INGIN	Asparagine
0015	NA	115-02 -6	CHOKB+ CHOKB+ SARBNT-OR INGIN	INGIN	Asparagine
0016	NA	325-51 -4	CHOKB+ CHOKB+ SARBNT-OR INGIN	PSUBST-OR INGIN	Benzyl acetate
0017	NA	90-07 -3	CHOKB+ CHOKB+ SARBNT-OR INGIN	INGIN	Benzyl chloride
0020	NA	90-09 -3	CHOKB+ CHOKB+ SARBNT-OR INGIN	INGIN	Benzene- sulfonate chloride
0021	NA	92-07 -5	CHOKB+ CHOKB+ SARBNT-OR INGIN	INGIN	Benzidine

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PSBBS7-02 ENGINE	4170-30 -3	PSBBS7-02 ENGINE	crotonaldehyde
0053 NA	4170-30 -3	PSBBS7-02 ENGINE	crotonaldehyde
0055 NA	90-02 -0	PSBBS7-02 ENGINE	benzene
0056 NA	110-02 -7	PSBBS7-02 ENGINE	cyclohexane
0057 Table-B	100-04 -7	PSBBS7-02 ENGINE	cyclohexanone
0058 NA	50-10 -3	PSBBS7-02 ENGINE	cyclophosph- amide
0059 NA	20030-01 -3	PSBBS7-02 ENGINE	baumolycin
0062 NA	2303-16 -4	PSBBS7-02 ENGINE	biolate
0064 NA	109-55 -9	PSBBS7-02 ENGINE	17777-0-B2- benzopyrene
0073 NA	91-94 -7	PSBBS7-02 ENGINE	373-0-dichloro- benzidine
0074 NA	1476-11 -5	PSBBS7-02 ENGINE	473-14-01- chloro-2- butene; trans- 174-Bichloro- 2-butene
0085 NA	1464-53	PSBBS7-02 ENGINE	173734-B2-

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0023 NA	90-07 -7	PSBBS7-02 ENGINE	benzotri- chloride
0026 NA	404-03 -7	PSBBS7-02 ENGINE	benzotri- chloride
0033 NA	353-50 -4	PSBBS7-02 ENGINE	benzotri- chloride
0034 NA	75-07 -6	PSBBS7-02 ENGINE	benzotri- chloride
0035 NA	305-03 -3	PSBBS7-02 ENGINE	benzotri- chloride
0038 Table-B	510-15 -6	PSBBS7-02 ENGINE	benzotri- chloride
0041 NA	106-09 -0	PSBBS7-02 ENGINE	benzotri- chloride
0042 Table-B	110-75 -0	PSBBS7-02 ENGINE	benzotri- chloride
0046 NA	107-30 -2	PSBBS7-02 ENGINE	benzotri- chloride
0049 NA	3165-93 -3	PSBBS7-02 ENGINE	benzotri- chloride

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9086	NA	1625-88	-1	CHOKB7-fb CARBN7-or INGIN	INGIN	epoxybutane
9087	NA	3288-58	-2	CHOKB7 CHREB7-CARBNT BIOSB7-or INGIN	PSUBS7 CHOKB7 CHREB7-or INGIN	N,N-Dimethyl- hydrazine
9089	NA	56-53	-1	CHOKB7 CHREB7-fb CARBN7-or INGIN	PSUBS7-or INGIN	pro-Diethyl-s- methyldithio- phosphate
9090	NA	94-58	-5	CHOKB7 CHREB7-fb CARBN7-or INGIN	PSUBS7-or INGIN	Diethyl sestibestrol
9091	NA	119-98	-4	CHOKB7 CHREB7-fb CARBN7-or INGIN	PSUBS7-or INGIN	Bihydroarsinate
9092	NA	124-40	-3	CHOKB7 CHREB7-fb CARBN7-or INGIN	PSUBS7-or INGIN	3,3,1-Di- methoxy- benzidine
9093	Table-B	621-90	-9	NA	INGIN	Dimethylamine
9094	NA	57-97	-6	CHOKB7 CHREB7-fb CARBN7-or INGIN	PSUBS7-or INGIN	9-Dimethyl- aminoazo- benzene
9095	NA	119-93	-7	CHOKB7 CHREB7-fb CARBN7-or INGIN	PSUBS7-or INGIN	3,3,1-Dimethyl- benzyl- acetone
9096	NA	88-15		CHOKB7	PSUBS7	3,3,1-Dimethyl- benzidine
9097	NA	57-14	-7	CHOKB7 CHREB7-fb CARBN7-or INGIN	PSUBS7-or INGIN	1,1-Dimethyl- hydrazine
9098	NA	57-14	-7	CHOKB7 CHREB7 CARBN7 BIOSB7-or INGIN	PSUBS7 CHOKB7 CHREB7-or INGIN	1,1-Dimethyl- hydrazine
9099	NA	540-73	-9	CHOKB7 CHREB7 CARBN7 BIOSB7-or INGIN	PSUBS7 CHOKB7 CHREB7-or INGIN	1,1-Dimethyl- hydrazine
9100	NA	77-78	-1	CHOKB7 CHREB7 CARBN7 BIOSB7-or INGIN	PSUBS7 CHOKB7 CHREB7-or INGIN	Dimethyl sulfate
9101	NA	122-66	-7	CHOKB7 CHREB7 CARBN7 BIOSB7-or INGIN	PSUBS7 CHOKB7 CHREB7-or INGIN	1,1-Diphenyl- hydrazine
9110	NA	142-84	-7	CHOKB7 CHREB7-fb CARBN7-or INGIN	INGIN	Diisopropylamine
9113	NA	140-98	-5	CHOKB7 CHREB7-fb CARBN7-or INGIN	PSUBS7-or INGIN	1,1-Diphenyl- hydrazine
9114	NA	111-54	5	CHOKB7 CHREB7-fb CARBN7-or INGIN	INGIN	1,1-Diphenyl- hydrazine

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0115	NA	75-21 -8	WETEX-OF CHOKBT-fb CARBN7-OF ENGINE	CHOKBT-OF ENGINE	Ethylene-oxide
0116	NA	76-45 -7	WETEX-OF CHOKBT-fb CARBN7-OF ENGINE	ENGINE	Ethylene-chloro- urea
0119	NA	78-59 -9	WETEX-OF CHOKBT-fb CARBN7-OF ENGINE	ENGINE	Ethyl-methane- sulfonate
0122	NA	79-99 -9	WETEX-OF CHOKBT-fb CARBN7-OF ENGINE	PSUBS7-OF ENGINE	Formaldehyde
0123	NA	79-99 -9	WETEX-OF CHOKBT-fb CARBN7-OF ENGINE	PSUBS7-OF ENGINE	Formic-acid
0124	NA	79-99 -9	WETEX-OF CHOKBT-fb CARBN7-OF ENGINE	PSUBS7-OF ENGINE	Propan
0125	NA	90-01 -1	WETEX-OF CHOKBT-fb CARBN7-OF ENGINE	PSUBS7-OF ENGINE	Purpurel
0126	NA	76-34 -4	WETEX-OF CHOKBT-fb CARBN7-OF ENGINE	PSUBS7-OF ENGINE	Glycidyl- ether
0132	NA	79-99 -4	WETEX-OF CHOKBT-fb CARBN7-OF ENGINE	ENGINE	Hexachloro- phen
0133	NA	302-01 -2	CHOKBT CHREBT-CARBNT BIOBNT-OF	PSUBS7 CHOKBT CHREBT-OF	Hydrazine

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0134	Table-B	7664-39 -3	NA	ENGINE	ENGINE	Hydrogen fluoride
0135	NA	7709-06 -4	CHOKBT CHREBT-OF ENGINE	CHOKBT CHREBT-OF ENGINE	Hydrogen sulfide	
0143	NA	909-34 -4	WETEX-OF CHOKBT-fb CARBN7-OF ENGINE	ENGINE	Isocyanate	
0147	NA	100-31 -5	WETEX-OF CHOKBT-fb CARBN7-OF ENGINE	PSUBS7-OF ENGINE	Maleic anhydride	
0148	NA	123-33 -1	WETEX-OF CHOKBT-fb CARBN7-OF ENGINE	ENGINE	Maleic anhydride	
0149	NA	109-77 -3	WETEX-OF CHOKBT-fb CARBN7-OF ENGINE	ENGINE	Mononitrate	
0150	NA	140-02 -3	WETEX-OF CHOKBT-fb CARBN7-OF ENGINE	ENGINE	Morpholine	
0151	Table-A 6-B	7439-97 -6	NA	RMRE	Mercury High-Mercury Subcategory-- Greater-than or-equal-to 200-mg/kg Total Mercury Methanethiol	
0153	NA	74-93 -1	WETEX-OF CHOKBT-fb CARBN7-OF ENGINE	ENGINE		

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U154	NA	67-56 -1	+WETOX-OF CHORBT-FB CARBN7-OF ENGINE	PSUBS7-OF ENGINE	Methanol	U176	NA	759-73 -9	+WETOX-OF CHORBT-FB CARBN7-OF ENGINE	ENGINE	N-Nitroso-N-ethylurea
U156	NA	79-22 -1	+WETOX-OF CHORBT-FB CARBN7-OF ENGINE	ENGINE	Methyl-chloro-carbonate	U177	NA	604-93 -5	+WETOX-OF CHORBT-FB CARBN7-OF ENGINE	ENGINE	N-Nitroso-N-methylurea
U160	NA	1330-23 -4	CHORBT CHREBT-CARBN BIOBGT-OF ENGINE	PSUBS7 CHORBT CHREBT-OF ENGINE	Methyl-ethyl ketone peroxide	U178	NA	615-53 -2	+WETOX-OF CHORBT-FB CARBN7-OF ENGINE	ENGINE	N-Nitroso-N-methylmethane
U163	NA	29-25 -7	+WETOX-OF CHORBT-FB CARBN7-OF ENGINE	ENGINE	N-Methyl-N-nitro-N-nitroso-guanidine	U182	NA	123-63-7	+WETOX-OF CHORBT-FB CARBN7-OF ENGINE	PSUBS7-OF ENGINE	Paraaldehyde
U164	NA	56-34 -2	+WETOX-OF CHORBT-FB CARBN7-OF ENGINE	ENGINE	Methylthio-uracil	U184	NA	76-31 -7	+WETOX-OF CHORBT-FB CARBN7-OF ENGINE	ENGINE	Pentachloro-ethane
U166	NA	130-15 -4	+WETOX-OF CHORBT-FB CARBN7-OF ENGINE	PSUBS7-OF ENGINE	174-Naphtho-quinone	U186	NA	594-60 -9	+WETOX-OF CHORBT-FB CARBN7-OF ENGINE	PSUBS7-OF ENGINE	173-Pentadiene
U167	NA	134-32 -7	+WETOX-OF CHORBT-FB CARBN7-OF ENGINE	ENGINE	1-Naphthyl-amine	U189	NA	1314-00 -3	CHORBT CHREBT-OF ENGINE	CHORBT CHREBT-OF ENGINE	Phosphorus sulfide
U168	Table-B	31-59 -9	NA	ENGINE	2-Naphthyl-amine	U191	NA	109-06 -0	+WETOX-OF CHORBT-FB CARBN7-OF ENGINE	ENGINE	2-Picoline
U171	NA	79-46 -3	+WETOX-OF CHORBT-FB CARBN7-OF ENGINE	ENGINE	2-Nitropropane	U193	NA	1130-21 -4	+WETOX-OF CHORBT-FB CARBN7-OF ENGINE	ENGINE	173-Propane sulfone
U173	NA	1116-54 -7	+WETOX-OF CHORBT-FB CARBN7-OF ENGINE	ENGINE	N-Nitroso-di-ethanolamine	U194	NA	107-10 -0	+WETOX-OF CHORBT-FB CARBN7-OF ENGINE	ENGINE	n-Propylamine

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9221	NA	25376-45 -4	SHOXBT-fb CARBN-fb ENGINE	PSBBS-fb ENGINE	2-phenylenediamine
9222	NA	696-21 -5	WBOBK-fb SHOXBT-fb CARBN-fb ENGINE	ENGINE	2-pyridine hydrochloride
9223	NA	26471-62 -5	SARBN-fb ENGINE	PSBBS-fb ENGINE	2-pyridine-dithio- cyanate
9234	NA	99-35 -4	WBOBK-fb SHOXBT-fb CARBN-fb ENGINE	ENGINE	2-pyridine-dithio- cyanate
9236	NA	72-57 -1	WBOBK-fb SHOXBT-fb CARBN-fb ENGINE	ENGINE	2-pyridine-dithio- cyanate
9237	NA	66-75 -1	WBOBK-fb SHOXBT-fb CARBN-fb ENGINE	ENGINE	2-pyridine-dithio- cyanate
9238	NA	51-79 -6	WBOBK-fb SHOXBT-fb CARBN-fb ENGINE	ENGINE	2-pyridine-dithio- cyanate
9240	NA	94-75 -7	WBOBK-fb SHOXBT-fb CARBN-fb ENGINE	ENGINE	2-pyridine-dithio- cyanate
9244	NA	137-26 -9	WBOBK-fb SHOXBT-fb CARBN-fb ENGINE	ENGINE	2-pyridine-dithio- cyanate
9246	NA	506-60 -3	SHOXBT-fb WBOBK-fb ENGINE	SHOXBT-fb WBOBK-fb ENGINE	2-pyridine-dithio- cyanate

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9201	NA	106-51 -4	WBOBK-fb SHOXBT-fb CARBN-fb ENGINE	PSBBS-fb ENGINE	p-Benzquinone
9209	NA	50-55 -5	WBOBK-fb SHOXBT-fb CARBN-fb ENGINE	ENGINE	Reserpine
9201	NA	100-46 -3	WBOBK-fb SHOXBT-fb CARBN-fb ENGINE	PSBBS-fb ENGINE	Reserpine
9202	NA	91-97 -2	WBOBK-fb SHOXBT-fb CARBN-fb ENGINE	ENGINE	Saccharin-and salts
9206	NA	100-53 -4	WBOBK-fb SHOXBT-fb CARBN-fb ENGINE	ENGINE	Streptozotocin
9213	NA	109-99 -3	WBOBK-fb SHOXBT-fb CARBN-fb ENGINE	PSBBS-fb ENGINE	Tetrahydro- furan
9214	Table-B	503-60 -9	NA	RHRM-fb STAB	Thallium-fb acetate
9215	Table-B	503-73 -1	NA	RHRM-fb STAB	Thallium-fb carbonate
9216	Table-B	503-112 -1	NA	RHRM-fb STAB	Thallium-fb chloride
9217	Table-B	503-145 -1	NA	RHRM-fb STAB	Thallium-fb nitrate
9218	NA	52-55 -5	WBOBK-fb SHOXBT-fb CARBN-fb ENGINE	ENGINE	Thiosulfamide
9219	NA	52-56	WBOBK-fb	ENGINE	Thiourea

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Section 728. TABLE E Standards for Radioactive Mixed Waste

BOARD NOTE: For the requirements previously found in this Section, refer to Sections 728.140 and 728.240(a).

Waste-code	Waste-descriptions and/or-treatment category	SAS-Not	Technology-Code	
			Wastewaters	Nonwastewaters
B002	Radioactive-high level-wastes generated-during the-reprocessing of-fuel-rods	NA	NA	HEVIT
	sub-category			
B004	Radioactive-high level-wastes generated-during the-reprocessing-of-fuel-rods	NA	NA	HEVIT
	sub-category			
B005	Radioactive-high level-wastes generated-during the-reprocessing of-fuel-rods	NA	NA	HEVIT
	sub-category			
B006	Radioactive-high level-wastes generated-during the-reprocessing of-fuel-rods	NA	NA	HEVIT
	sub-category			
B007	Radioactive-high level-wastes generated-during the-reprocessing of-fuel-rods	NA	NA	HEVIT
	sub-category			
B008	Radioactive-lead solids-subcategory (Note--these-lead	7439-92-1	NA	MAERO

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solids-include-but are-not-limited-to all-forms-of-lead shielding-and-other elemental-forms-of lead--these-lead solids-do-not include-treatment residues-such-as hydroxide-sludges, other-wastewater treatment-residues or-inert-treatment-residues-that-can-undergo conventional-pozzolanic stabilization-not-do they-include standard-materials that-can-be incinerated-and stabilized-as-sent.	NA	NA	HEVIT
Radioactive-high level-wastes generated-during the-reprocessing-of-fuel-rods sub-category	NA	NA	AMSEM
Elemental-mercury contaminated-with radioactive-materials	7439-97-6	NA	HEVIT
Hydraulic-oil contaminated-with mercury-radioactive materials-subcategory	7439-97-6	NA	HEVIT
Radioactive-high level-wastes generated-during the-reprocessing-of-fuel-rods sub-category	NA	NA	HEVIT
Radioactive-high level-wastes generated-during	NA	NA	HEVIT

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the reprocessing of fuel rods subcategory

HBVIF

NA

NA

Radioactive high level wastes generated during the reprocessing of fuel rods subcategory

AM6GM

NA

NA

Mercury-Elemental with radioactive materials

Note--NA means Not-Applicable-

(Source: Amended at 19 Ill. Reg. 96601, effective JUN 27 1995)

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Section 728.TABLe G Alternative Treatment Standards Based on HWTR

For the treatment standards previously found in this Section and Section 728.116, refer to Sections 728.140 and 728.141, "Treatment Standards for Hazardous Wastes".

Waste code	See-Also	Regulated Hazardous Constituent	Regulated Hazardous Constituent	Nonwastewater Concentration (mg/L)-NEBP
P006	Tables-A & B	Antimony	7440-36-0	2-1
		Arsenic	7440-38-2	9-055
		Barium	7440-39-3	7-6
		Beryllium	7440-41-7	9-014
		Cadmium	7440-43-9	9-19
		Chromium	7440-47-32	9-39
		total		
		Cyanide	57-12-5	1-8
		(mg/kg)		
		total		
		Lead	7439-92-1	9-37
		Mercury	7439-97-6	9-009
		Nickel	7440-02-0	5-9
		Selenium	7702-49-2	9-16
		Silver	7440-32-4	9-30
		Thallium		9-970
		Zinc	7440-66-6	5-3
R062	Tables-A & B	Antimony	7440-36-0	2-1
		Arsenic	7440-38-2	9-055
		Barium	7440-39-3	7-6
		Beryllium	7440-41-7	9-014
		Cadmium	7440-43-9	9-19
		Chromium	7440-47-32	9-39
		total		
		Lead	7439-92-1	9-37
		Mercury	7439-97-6	9-009
		Nickel	7440-02-0	5-9
		Selenium	7702-49-2	9-16
		Silver	7440-32-4	9-30
		Thallium		9-970
		Zinc	7440-66-6	5-3

(Source: Amended at 19 Ill. Reg. 96601, effective JUN 27 1995)

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D005	Arsenic; alternate(6) standard for nonwastewaters only.	7440-38-2	NA	5.0 mg/l TCLP	
	Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for barium based on the extraction procedure (EP) in SW-846 Method 1310.				
D006	Barium	7440-39-3	100	100 mg/l TCLP	
	Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for cadmium based on the extraction procedure (EP) in SW-846 Method 1310.				
D006	Cadmium	7440-43-9	1.0	1.0 mg/l TCLP	
	Cadmium Containing Batteries Subcategory (Note: This subcategory consists of nonwastewaters only.)				
D007	Cadmium	7440-43-9	NA	RTHM	
	Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for chromium based on the extraction procedure (EP) in SW-846 Method 1310.				
D008	Chromium (Total)	7440-47-3	5.0	5.0 mg/l TCLP	
	Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for lead based on the extraction procedure (EP) in SW-846 Method 1310.				
D008	Lead	7439-92-1	5.0	5.0 mg/l EP	
	Lead; alternate(6) nonwastewaters only	7439-92-1	NA	5.0 mg/l TCLP	
D008	Lead Acid Batteries Subcategory (Note: This standard only applies to lead acid batteries that are identified as RCRA hazardous wastes and that are not excluded elsewhere from regulation under the land disposal restrictions of this Part or exempted under other regulations (see 35 Ill. Adm. Code 726.180).)				
	(Note: This subcategory consists of nonwastewaters only.)				
D008	Lead	7439-92-1	NA	RLEAD	
	Radioactive Lead Solids Subcategory				

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D009	Lead	7439-92-1	NA	MACRO	
	Nonwastewaters that exhibit, or are expected to exhibit, the characteristic of toxicity for mercury based on the extraction procedure (EP) in SW-846 Method 1310; and contain greater than or equal to 260 mg/kg total mercury that also contain organics and are not incinerator residues. (High Mercury-Organic Subcategory)				
D009	Mercury	7439-97-6	NA	-MERC: or RMERC	
	Nonwastewaters that exhibit, or are expected to exhibit, the characteristic of toxicity for mercury based on the extraction procedure (EP) in SW-846 Method 1310; and contain greater than or equal to 260 mg/kg total mercury that are inorganic, including incinerator residues and residues from RMERC. (High Mercury-Inorganic Subcategory)				
D009	Mercury	7439-97-6	NA	RMERC	
	Nonwastewaters that exhibit, or are expected to exhibit, the characteristic of toxicity for mercury based on the extraction procedure (EP) in SW-846 Method 1310; and contain less than 260 mg/kg total mercury. (Low Mercury Subcategory)				
D009	Mercury	7439-97-6	NA	0.20 mg/l TCLP	
	All D009 wastewaters				
D009	Mercury	7439-97-6	0.20	NA	
	Elemental mercury contaminated with radioactive materials. (Note: This subcategory consists of nonwastewaters only.)				
D009	Mercury	7439-97-6	NA	AMLGM	
	D009				

(Note: These lead solids include, but are not limited to, all forms of lead shielding and other elemental forms of lead. These lead solids do not include treatment residuals such as hydroxide sludges, other wastewater treatment residuals, or incinerator ashes that can undergo conventional pozzolanic stabilization, nor do they include organo-lead materials that can be incinerated and stabilized as ash.)

(Note: This subcategory consists of nonwastewaters only.)

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Hydraulic oil contaminated with Mercury Radioactive Materials Subcategory.

Note: This subcategory consists of nonwastewaters only.)

<u>Mercury</u>	<u>7439-97-6</u>	<u>NA</u>	<u>IMERC</u>
<u>D010</u>			
Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for selenium based on the extraction procedure (EP) in SW-846 Method 1310.			
<u>Selenium</u>	<u>7782-43-2</u>	<u>1.0</u>	<u>5.7 mg/l TCLP</u>
<u>D011</u>			
Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for silver based on the extraction procedure (EP) in SW-846 Method 1310.			
<u>Silver</u>	<u>7440-22-4</u>	<u>5.0</u>	<u>5.0 mg/l TCLP</u>

D012
Wastes that are TC for Endrin based on the TCLP in SW-846 Method 1311.

<u>Endrin</u>	<u>72-20-8</u>	<u>BODG; or</u> <u>INCIN</u>	<u>0.13</u> <u>and meet</u> <u>Section</u> <u>728.148</u> <u>standards</u>
<u>Endrin aldehyde</u>	<u>7421-93-4</u>	<u>BODG; or</u> <u>INCIN</u>	<u>0.13</u> <u>and meet</u> <u>Section</u> <u>728.148</u> <u>standards</u>

D013
Wastes that are TC for Lindane based on the TCLP in SW-846 Method 1311.

<u>alpha-BHC</u>	<u>319-84-6</u>	<u>CARN; or</u> <u>INCIN</u>	<u>0.066</u> <u>and meet</u> <u>Section</u> <u>728.148</u> <u>standards</u>
<u>beta-BHC</u>	<u>319-85-7</u>	<u>CARN; or</u> <u>INCIN</u>	<u>0.066</u> <u>and meet</u> <u>Section</u> <u>728.148</u> <u>standards</u>
<u>delta-BHC</u>	<u>319-86-8</u>	<u>CARN; or</u> <u>INCIN</u>	<u>0.066</u> <u>and meet</u> <u>Section</u>

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<u>gamma-BHC (Lindane)</u>	<u>58-89-9</u>	<u>CARN; or</u> <u>INCIN</u>	<u>728.148</u> <u>standards</u> <u>7.066</u> <u>and meet</u> <u>Section</u> <u>728.148</u> <u>standards</u>
<u>D014</u>			
Wastes that are TC for Methoxychlor based on the TCLP in SW-846 Method 1311.			
<u>Methoxychlor</u>	<u>72-43-5</u>	<u>METOX or INCIN</u>	<u>0.18</u> <u>and meet</u> <u>Section</u> <u>728.148</u> <u>standards</u>

D015

Wastes that are TC for Toxaphene based on the TCLP in SW-846 Method 1311.

<u>Toxaphene</u>	<u>8001-35-2</u>	<u>BODG or INCIN</u>	<u>2.6</u> <u>and meet</u> <u>Section</u> <u>728.148</u> <u>standards</u>
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D016

Wastes that are TC for 2,4-D (2,4-Dichlorophenoxyacetic acid) based on the TCLP in SW-846 Method 1311.

<u>2,4-D (2,4-Dichlorophenoxyacetic acid)</u>	<u>94-75-7</u>	<u>CHOXD, BODG,</u> <u>or INCIN</u>	<u>10</u> <u>and meet</u> <u>Section</u> <u>728.148</u> <u>standards</u>
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D017

Wastes that are TC for 2,4,5-TP (Silvex) based on the TCLP in SW-846 Method 1311.

<u>2,4,5-TP (Silvex)</u>	<u>93-72-1</u>	<u>CHOXD or INCIN</u>	<u>7.2</u> <u>and meet</u> <u>Section</u> <u>728.148</u> <u>standards</u>
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D018

Wastes that are TC for Benzene based on the TCLP in SW-846 Method 1311 and that are managed in non-CWA or non-CWA equivalent or non-Class I SDWA systems only.

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Benzene	<u>71-43-2</u>	<u>0.14</u> and meet Section 728.148 standards	<u>1.0</u> and meet Section 728.148 standards
2019	Wastes that are TC for Carbon tetrachloride based on the TCLP in SW-846 Method 1311 and that are managed in non-CWA or non-CWA equivalent or non-Class I SDWA systems only.		
Carbon tetrachloride	<u>56-23-5</u>	<u>0.057</u> and meet Section 728.148 standards	<u>6.0</u> and meet Section 728.148 standards
2020	Wastes that are TC for Chlordane based on the TCLP in SW-846 Method 1311 and that are managed in non-CWA or non-CWA equivalent or non-Class I SDWA systems only.		
Chlordane (alpha and gamma isomers)	<u>57-74-9</u>	<u>0.0033</u> and meet Section 728.148 standards	<u>0.26</u> and meet Section 728.148 standards
2021	Wastes that are TC for Chlorobenzene based on the TCLP in SW-846 Method 1311 and that are managed in non-CWA or non-CWA equivalent or non-Class I SDWA systems only.		
Chlorobenzene	<u>108-90-7</u>	<u>0.057</u> and meet Section 728.148 standards	<u>6.0</u> and meet Section 728.148 standards
2022	Wastes that are TC for Chloroform based on the TCLP in SW-846 Method 1311 and that are managed in non-CWA or non-CWA equivalent or non-Class I SDWA systems only.		
Chloroform	<u>67-66-3</u>	<u>0.046</u> and meet Section 728.148	<u>6.0</u> and meet Section 728.148

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2023	Wastes that are TC for o-Cresol based on the TCLP in SW-846 Method 1311 and that are managed in non-CWA or non-CWA equivalent or non-Class I SDWA systems only.		
o-Cresol	<u>95-48-7</u>	<u>0.11</u> and meet Section 728.148 standards	<u>5.6</u> and meet Section 728.148 standards
2024	Wastes that are TC for m-Cresol based on the TCLP in SW-846 Method 1311 and that are managed in non-CWA or non-CWA equivalent or non-Class I SDWA systems only.		
m-Cresol (difficult to distinguish from p-cresol)	<u>108-39-4</u>	<u>0.77</u> and meet Section 728.148 standards	<u>5.6</u> and meet Section 728.148 standards
2025	Wastes that are TC for p-Cresol based on the TCLP in SW-846 Method 1311 and that are managed in non-CWA or non-CWA equivalent or non-Class I SDWA systems only.		
p-Cresol (difficult to distinguish from m-cresol)	<u>106-44-5</u>	<u>0.77</u> and meet Section 728.148 standards	<u>5.6</u> and meet Section 728.148 standards
2026	Wastes that are TC for Cresols (Total) based on the TCLP in SW-846 Method 1311 and that are managed in non-CWA or non-CWA equivalent or non-Class I SDWA systems only.		
Cresol-mixed isomers (Cresylic acid) (sum of o-, m-, and p-cresol concentrations)	<u>1319-77-3</u>	<u>0.88</u> and meet Section 728.148 standards	<u>11.2</u> and meet Section 728.148 standards
2027	Wastes that are TC for p-Dichlorobenzene based on the TCLP in SW-846 Method 1311 and that are managed in non-CWA or non-CWA equivalent or non-Class I SDWA systems only.		

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systems only.

p-Dichlorobenzene (1,4-Dichlorobenzene) 1.090 and meet Section 728.148 standards 6.0 and meet Section 728.148 standards

D028 Wastes that are TC for 1,2-Dichloroethane based on the TCLP in SW-846 Method 1311 and that are managed in non-CWA or non-CWA equivalent or non-Class I SDWA systems only.

1,2-Dichloroethane 1.021 and meet Section 728.148 standards 6.0 and meet Section 728.148 standards

D029 Wastes that are TC for 1,1-Dichloroethylene based on the TCLP in SW-846 Method 1311 and that are managed in non-CWA or non-CWA equivalent or non-Class I SDWA systems only.

1,1-Dichloroethylene 1.025 and meet Section 728.148 standards 6.0 and meet Section 728.148 standards

D030 Wastes that are TC for 2,4-Dinitrotoluene based on the TCLP in SW-846 Method 1311 and that are managed in non-CWA or non-CWA equivalent or non-Class I SDWA systems only.

2,4-Dinitrotoluene 0.32 and meet Section 728.148 standards 140 and meet Section 728.148 standards

D031 Wastes that are TC for Heptachlor based on the TCLP in SW-846 Method 1311 and that are managed in non-CWA or non-CWA equivalent or non-Class I SDWA systems only.

Heptachlor 0.0012 0.066 and meet

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Heptachlor epoxide 1.16 and meet Section 728.148 standards 1.166 and meet Section 728.148 standards

D032 Wastes that are TC for Hexachlorobenzene based on the TCLP in SW-846 Method 1311 and that are managed in non-CWA or non-CWA equivalent or non-Class I SDWA systems only.

Hexachlorobenzene 0.055 and meet Section 728.148 standards 1.2 and meet Section 728.148 standards

D033 Wastes that are TC for Hexachlorobutadiene based on the TCLP in SW-846 Method 1311 and that are managed in non-CWA or non-CWA equivalent or non-Class I SDWA systems only.

Hexachlorobutadiene 1.055 and meet Section 728.148 standards 5.6 and meet Section 728.148 standards

D034 Wastes that are TC for Hexachloroethane based on the TCLP in SW-846 Method 1311 and that are managed in non-CWA or non-CWA equivalent or non-Class I SDWA systems only.

Hexachloroethane 1.055 and meet Section 728.148 standards 10 and meet Section 728.148 standards

D035 Wastes that are TC for Methyl ethyl ketone based on the TCLP in SW-846 Method 1311 and that are managed in non-CWA or non-CWA equivalent or non-Class I SDWA systems only.

Methyl ethyl ketone 0.28 and meet Section 728.148 36 and meet Section 728.148

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D036
Wastes that are TC for Nitrobenzene based on the TCLP in SW-846 Method 1311 and that are managed in non-CWA or non-CWA equivalent or non-Class I SDWA systems only. standards

Nitrobenzene 98-95-3 0.068 and meet Section 728.148 standards 14 and meet Section 728.148 standards

D037
Wastes that are TC for Pentachlorophenol based on the TCLP in SW-846 Method 1311 and that are managed in non-CWA or non-CWA equivalent or non-Class I SDWA systems only.

Pentachlorophenol 87-86-5 0.089 and meet Section 728.148 standards 7.4 and meet Section 728.148 standards

D038
Wastes that are TC for pyridine based on the TCLP in SW-846 Method 1311 and that are managed in non-CWA or non-CWA equivalent or non-Class I SDWA systems only.

Pyridine 110-86-1 0.014 and meet Section 728.148 standards 16 and meet Section 728.148 standards

D039
Wastes that are TC for Tetrachloroethylene based on the TCLP in SW-846 Method 1311 and that are managed in non-CWA or non-CWA equivalent or non-Class I SDWA systems only.

Tetrachloroethylene 127-18-4 0.056 and meet Section 728.148 standards 6.0 and meet Section 728.148 standards

D040
Wastes that are TC for Trichloroethylene based on the TCLP in SW-846 Method

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1311 and that are managed in non-CWA or non-CWA equivalent or non-Class I SDWA systems only.

Trichloroethylene 79-01-6 0.054 and meet Section 728.148 standards 6.0 and meet Section 728.148 standards

D041
Wastes that are TC for 2,4,5-Trichlorophenol based on the TCLP in SW-846 Method 1311 and that are managed in non-CWA or non-CWA equivalent or non-Class I SDWA systems only.

2,4,5-Trichlorophenol 95-95-4 0.118 and meet Section 728.148 standards 7.4 and meet Section 728.148 standards

D042
Wastes that are TC for 2,4,6-Trichlorophenol based on the TCLP in SW-846 Method 1311 and that are managed in non-CWA or non-CWA equivalent or non-Class I SDWA systems only.

2,4,6-Trichlorophenol 88-06-2 0.035 and meet Section 728.148 standards 7.4 and meet Section 728.148 standards

D043
Wastes that are TC for Vinyl chloride based on the TCLP in SW-846 Method 1311 and that are managed in non-CWA or non-CWA equivalent or non-Class I SDWA systems only.

Vinyl chloride 75-31-4 0.27 and meet Section 728.148 standards 6.0 and meet Section 728.148 standards

F001, F002, F003, F004, & F005
F001, F002, F003, F004, or F005 solvent wastes that contain any combination of one or more of the following spent solvents: acetone, benzene, n-butyl alcohol, carbon disulfide, carbon tetrachloride, chlorinated fluorocarbons, chlorobenzene, o-cresol, m-cresol, p-cresol, cyclohexanone, o-dichlorobenzene, 2-ethoxyethanol, ethyl acetate, ethyl benzene, ethyl ether, isobutyl alcohol,

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methanol, methylene chloride, methyl ethyl ketone, methyl isobutyl ketone, nitrobenzene, 2-nitropropane, pyridine, tetrachloroethylene, toluene, 1,1,1-trichloroethane, 1,1,2-trichloroethane, 1,1,2-trichloro-2,2,2-trifluoroethane, trichloroethylene, trichloromonofluoromethane, or xylenes (except as specifically noted in other subcategories). See further details of these listings in 35 Ill. Adm. Code 721.131

Acetone	67-64-1	0.28	160
Benzene	71-43-2	0.14	20
n-Butyl alcohol	71-36-3	5.6	2.6
Carbon disulfide	75-15-0	3.8	NA
Carbon tetrachloride	56-23-5	0.057	6.0
Chlorobenzene	108-90-7	0.057	6.0
m-Cresol	95-48-7	0.11	5.6
p-Cresol	108-39-4	0.77	5.6

(difficult to distinguish from p-cresol)

p-Cresol 106-44-5 0.77 5.6

(difficult to distinguish from m-cresol)

Cresol 1319-77-3 0.88 11.2

Cresol-mixed isomers

(Cresylic acid)

(Sum of o-, m-, and p-cresol concentrations)

Cyclohexanone 108-94-1 0.36 NA

o-Dichlorobenzene 95-50-1 0.088 6.0

Ethyl acetate 141-78-6 0.34 33

Ethyl benzene 100-41-4 0.057 10

Ethyl ether 60-29-7 0.12 160

Isobutyl alcohol 78-83-1 5.6 170

Methanol 67-56-1 5.6 NA

Methylene chloride 75-9-2 0.089 30

Methyl ethyl ketone 78-93-3 0.28 16

Methyl isobutyl ketone 108-10-1 0.14 33

Nitrobenzene 98-95-3 0.068 14

Pyridine 110-86-1 0.014 16

Tetrachloroethylene 127-18-4 0.056 6.0

Toluene 108-88-3 0.080 10

1,1,1-Trichloroethane 71-55-6 0.054 6.0

1,1,2-Trichloroethane 79-00-5 0.054 6.0

1,1,2-Trichloro-1,1,2-trifluoroethane 76-13-1 0.057 30

Trichloroethane 70-01-6 0.054 6.0

Trichloromonofluoromethane 75-69-4 0.020 30

Xylenes-mixed isomers 1330-20-7 0.32 30

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(sum of o-, m-, and p-xylene concentrations)

F001, F002, F003, F004 & F005

F003 and F005 solvent wastes that contain any combination of one or more of the following three solvents as the only listed F001 through F005 solvents: carbon disulfide, cyclohexanone, or methanol. Formerly Section 728.141(c)

Carbon disulfide	75-15-0	3.8	4.8 mg/l TCLP
Cyclohexanone	108-94-1	0.36	0.75 mg/l TCLP
Methanol	67-56-1	5.6	1.75 mg/l TCLP

F001, F002, F003, F004 & F005

F005 solvent waste containing 2-Nitropropane as the only listed F001 through F005 solvent.

2-Nitropropane	79-46-9	(NEMOX or CHOXD) fb	INCIN
		CARB: or	INCIN
		INCIN	

F001, F002, F003, F004 & F005

F005 solvent waste containing 2-Ethoxyethanol as the only listed F001 through F005 solvent.

2-Ethoxyethanol	110-80-5	BIODG; or	INCIN
		INCIN	

F006

Wastewater treatment sludges from electroplating operations except from the following processes: (1) Sulfuric acid anodizing of aluminum; (2) tin plating on carbon steel; (3) zinc plating (segregated basis) on carbon steel; (4) aluminum or zinc-aluminum plating on carbon steel; (5) cleaning or stripping associated with tin, zinc, and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum.

Cadmium	7440-43-9	0.69	0.19 mg/l TCLP
Chromium (Total)	7440-47-3	2.77	0.86 mg/l TCLP
Cyanides (Total)(7)	57-12-5	1.2	590
Cyanides (Amenable)(7)	57-12-5	0.86	30
Lead	7439-92-1	0.69	0.37 mg/l TCLP
Nickel	7440-02-0	2.98	5.0 mg/l TCLP
Silver	7440-22-4	NA	0.30 mg/l TCLP

F007

Spent cyanide plating bath solutions from electroplating operations.

Cadmium	7440-43-9	NA	0.19 mg/l TCLP
Chromium (Total)	7440-47-3	2.77	0.86 mg/l TCLP
Cyanides (Total)(7)	57-12-5	1.2	590
Cyanides (Amenable)(7)	57-12-5	0.86	30

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Lead	7439-92-1	0.69	0.37 mg/l TCLP
Nickel	7440-02-0	3.98	5.0 mg/l TCLP
Silver	7440-22-4	NA	0.30 mg/l TCLP

F008
Plating bath residues from the bottom of plating baths from electroplating operations where cyanides are used in the process.

Cadmium	7440-43-9	NA	0.19 mg/l TCLP
Chromium (Total)	7440-47-3	2.77	0.86 mg/l TCLP
Cyanides (Total)(7)	57-12-5	1.2	590
Cyanides (Amenable)(7)	57-12-5	0.86	30
Lead	7439-92-1	0.69	0.37 mg/l TCLP
Nickel	7440-02-0	3.98	5.0 mg/l TCLP
Silver	7440-22-4	NA	0.30 mg/l TCLP

F009
Spent stripping and cleaning bath solutions from electroplating operations where cyanides are used in the process.

Cadmium	7440-43-9	NA	0.19 mg/l TCLP
Chromium (Total)	7440-47-3	2.77	0.86 mg/l TCLP
Cyanides (Total)(7)	57-12-5	1.2	590
Cyanides (Amenable)(7)	57-12-5	0.86	30
Lead	7439-92-1	0.69	0.37 mg/l TCLP
Nickel	7440-02-0	3.98	5.0 mg/l TCLP
Silver	7440-22-4	NA	0.30 mg/l TCLP

F010
Quenching bath residues from oil baths from metal heat treating operations where cyanides are used in the process.

Cyanides (Total)(7)	57-12-5	1.2	590
Cyanides (Amenable)(7)	57-12-5	0.88	NA

F011
Spent cyanide solutions from salt bath pot cleaning from metal heat treating operations.

Cadmium	7440-43-9	NA	0.19 mg/l TCLP
Chromium (Total)	7440-47-3	2.77	0.86 mg/l TCLP
Cyanides (Total)(7)	57-12-5	1.2	590
Cyanides (Amenable)(7)	57-12-5	0.86	30
Lead	7439-92-1	0.69	0.37 mg/l TCLP
Nickel	7440-02-0	3.98	5.0 mg/l TCLP
Silver	7440-22-4	NA	0.30 mg/l TCLP

F012
Quenching wastewater treatment sludges from metal heat treating operations where cyanides are used in the process.

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Cadmium	7440-43-9	NA	0.19 mg/l TCLP
Chromium (Total)	7440-47-3	2.77	0.86 mg/l TCLP
Cyanides (Total)(7)	57-12-5	1.2	590
Cyanides (Amenable)(7)	57-12-5	0.86	30
Lead	7439-92-1	0.69	0.37 mg/l TCLP
Nickel	7440-02-0	3.98	5.0 mg/l TCLP
Silver	7440-22-4	NA	0.30 mg/l TCLP

F019
Wastewater treatment sludges from the chemical conversion coating of aluminum except from zirconium phosphating in aluminum can washing when such phosphating is an exclusive conversion coating process.

Chromium (Total)	7440-47-3	2.77	0.86 mg/l TCLP
Cyanides (Total)(7)	57-12-5	1.2	590
Cyanides (Amenable)(7)	57-12-5	0.86	30

F020, F021, F022, F023, F026

Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production or manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of: (1) tri- or tetrachlorophenol, or its intermediates used to produce their pesticide derivatives, excluding wastes from the production of Hexachlorophene from highly purified 2,4,5-trichlorophenol (i.e., F020); (2) pentachlorophenol, or of intermediates used to produce its derivatives (i.e., F021); (3) tetra-, penta-, or hexachlorobenzenes under alkaline conditions (i.e., F022). Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production of materials on equipment previously used for the production or manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of: (1) tri- or tetrachlorophenols, excluding wastes from equipment used only for the production of Hexachlorophene from highly purified 2,4,5-trichlorophenol (F023); (2) tetra-, penta-, or hexachlorobenzenes under alkaline conditions (i.e., F026).

HxCDDs (All Hexachloro-dibenzo-p-dioxins)	NA	0.000063	0.001
HxCDFs (All Hexachloro-dibenzofurans)	NA	0.000063	0.001
PeCDDs (All Penta-chloro-dibenzo-p-dioxins)	NA	0.000063	0.001
PeCDFs (All Pentachloro-dibenzofurans)	NA	0.000035	0.001
TCDDs (All Tetrachloro-dibenzo-p-dioxins)	NA	0.000063	0.001
TCDFs (All Tetrachloro-dibenzofurans)	NA	0.000063	0.001
2,4,5-Trichlorophenol	95-95-4	0.18	7.4

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2,4,6-Trichlorophenol	38-06-2	0.035	7.4
2,3,4,6-Tetrachlorophenol	58-90-2	0.030	7.4
Pentachlorophenol	37-96-5	0.089	7.4

F027

Discarded unused formulations containing tri-, tetra-, or pentachlorophenol or discarded unused formulations containing compounds derived from these chlorophenols. (This listing does not include formulations containing hexachloropropene synthesized from prepurified 2,4,5-trichlorophenol as the sole component.)

HxCDDs (All Hexachloro-dibenzo-p-dioxins)	NA	0.000063	0.001
HxCDFs (All Hexachloro-dibenzofurans)	NA	0.000063	0.001
PeCDDs (All Pentachloro-dibenzo-p-dioxins)	NA	0.000063	0.001
PeCDFs (All Pentachloro-dibenzofurans)	NA	0.000035	0.001
TCDDs (All Tetrachloro-dibenzo-p-dioxins)	NA	0.000063	0.001
TCDFs (All Tetrachloro-dibenzofurans)	NA	0.000063	0.001
2,4,5-Trichlorophenol	95-95-4	0.18	7.4
2,4,6-Trichlorophenol	88-06-2	0.035	7.4
2,3,4,6-Tetrachlorophenol	58-90-2	0.030	7.4
Pentachlorophenol	87-96-5	0.089	7.4

F028

Residues resulting from the incineration or thermal treatment of soil contaminated with U.S. EPA hazardous waste numbers F020, F021, F023, F026, and F027.

HxCDDs (All Hexachloro-dibenzo-p-dioxins)	NA	0.000063	0.001
HxCDFs (All Hexachloro-dibenzofurans)	NA	0.000063	0.001
PeCDDs (All Pentachloro-dibenzo-p-dioxins)	NA	0.000063	0.001
PeCDFs (All Pentachloro-dibenzofurans)	NA	0.000035	0.001
TCDDs (All Tetrachloro-dibenzo-p-dioxins)	NA	0.000063	0.001
TCDFs (All Tetrachloro-dibenzofurans)	NA	0.000063	0.001
2,4,5-Trichlorophenol	95-95-4	0.18	7.4
2,4,6-Trichlorophenol	88-06-2	0.035	7.4
2,3,4,6-Tetrachlorophenol	58-90-2	0.030	7.4

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phenol	87-96-5	0.089	7.4
Pentachlorophenol			

F024

Process wastes, including but not limited to, distillation residues, heavy ends, tars, and reactor clean-out wastes, from the production of certain chlorinated aliphatic hydrocarbons by free radical catalyzed processes. These chlorinated aliphatic hydrocarbons are those having carbon chain lengths ranging from one to an including five, with varying amounts and positions of chlorine substitution. (This listing does not include wastewaters, wastewater treatment sludges, spent catalysts, and wastes listed in 35 Ill. Adm. Code 721.131 or 721.132.)

All F024 wastes	NA	INCIN	INCIN
2-Chloro-1,3-butadiene	126-99-8	0.057	0.28
3-Chloropropylene	107-05-1	0.036	0.30
1,1-Dichloroethane	75-34-3	0.059	0.30
1,2-Dichloroethane	107-06-2	0.21	0.60
1,2-Dichloropropane	78-87-5	0.85	0.8
cis-1,3-Dichloropropylene	20061-01-5	0.036	0.3
propylene	10061-02-6	0.036	0.3
bis(2-Ethylhexyl) phthalate	117-81-7	0.28	0.28
Hexachloroethane	67-72-1	0.055	0.30
Chromium (Total)	7440-47-3	2.77	0.86 mg/l TCLP
Nickel	7440-02-0	3.98	5.0 mg/l TCLP

F025

Condensed light ends from the production of certain chlorinated aliphatic hydrocarbons, by free radical catalyzed processes. These chlorinated aliphatic hydrocarbons are those having carbon chain lengths ranging from one to and including five, with varying amounts and positions of chlorine substitution.

F025 - Light Ends Subcategory

Carbon tetrachloride	56-23-6	0.057	6.0
Chloroform	67-66-3	0.046	6.0
1,2-Dichloroethane	107-06-2	0.21	6.0
1,1-Dichloroethylene	75-35-4	0.025	6.0
Methylene chloride	75-9-2	0.089	30
1,1,2-Trichloroethane	79-00-5	0.054	6.0
Trichloroethylene	79-01-6	0.054	6.0
Vinyl chloride	75-01-4	0.27	6.0

F025

Spent filters and filter aids, and spent desiccant wastes from the production

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of certain chlorinated aliphatic hydrocarbons, by free radical catalyzed processes. These chlorinated aliphatic hydrocarbons are those having carbon chain lengths ranging from one to and including five, with varying amounts and positions of chlorine substitution.

F025 - Spent Filters or Aids and Desiccants Subcategory

Carbon tetrachloride	56-23-5	0.067	6.0
Chloroform	67-66-3	0.346	9.0
Hexachlorobenzene	68-74-1	0.055	0
Hexachlorobutadiene	37-68-3	0.055	6.6
Hexachloroethane	67-72-1	0.055	30
Methylene chloride	75-9-2	0.089	30
1,1,2-Trichloroethane	79-00-5	0.054	6.0
Trichloroethylene	79-01-6	0.054	6.0
Vinyl chloride	75-01-4	0.27	6.0

F037

Petroleum refinery primary oil/water/solids separation sludge-Ary sludge generated from the gravitational separation of oil/water/solids during the storage or treatment of process wastewaters and oily cooling wastewaters from petroleum refineries. Such sludges include, but are not limited to, those generated in: oil/water/solids separators; tanks and impoundments; ditches and other conveyances; sumps; and stormwater units receiving dry weather flow. Sludge generated in stormwater units that do not receive dry weather flow, sludges generated from non-contact once-through cooling waters segregated for treatment from other process or oily cooling waters, sludges generated in aggressive biological treatment units as defined in 35 Ill. Adm. Code 721.131(b)(2) (including sludges generated in one or more additional units after wastewaters have been treated in aggressive biological treatment units) and K051 wastes are not included in this listing.

Acenaphthene	83-32-9	0.059	NA
Anthracene	120-12-7	0.059	3.4
Benzene	71-43-2	0.14	1.0
Benz(a)anthracene	56-55-3	0.059	3.4
Benz(a)pyrene	50-32-8	0.061	3.4
Bis(2-Ethylhexyl) phthalate	27-81-7	0.28	3.8
Chrysene	218-01-9	0.059	3.4
Di-n-butyl phthalate	34-74-2	0.057	2.8
Ethylbenzene	100-41-4	0.057	0
Fluorene	36-73-7	0.059	NA
Naphthalene	91-20-3	0.059	3.6
Phenanthrene	108-95-2	0.039	6.2
Pyrene	129-00-0	0.067	8.2
Toluene	108-88-3	0.080	1.0
Xylenes-mixed isomers (sum of o-, m-, and p-)	1330-20-7	0.032	30

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xylene concentrations)

Chromium (Total)	7440-47-3	2.77	0.86 mg/l TCLP
Cyanides (Total)	57-12-5	0.2	590
Lead	7439-92-1	0.69	NA
Nickel	7440-02-0	NA	5.0 mg/l TCLP

F038

Petroleum refinery secondary (emulsified) oil/water/solids separation sludge or float generated from the physical or chemical separation of oil/water/solids in process wastewaters and oily cooling wastewaters from petroleum refineries. Such wastes include, but are not limited to, all sludges and floats generated in: induced air floatation (IAF) units, tanks and impoundments, and all sludges generated in DAF units. Sludges generated in stormwater units that do not receive dry weather flow, sludges generated from non-contact once-through cooling waters segregated for treatment from other process or oily cooling waters, sludges and floats generated in aggressive biological treatment units as defined in 35 Ill. Adm. Code 721.131(b)(2) (including sludges and floats generated in one or more additional units after wastewaters have been treated in aggressive biological units) and F037, K048, and K051 are not included in this list.

Benzene	71-43-2	0.14	1.0
Benz(a)pyrene	50-32-8	0.061	3.4
Bis(2-Ethylhexyl) phthalate	27-81-7	0.28	3.8
Chrysene	218-01-9	0.059	3.4
Di-n-butyl phthalate	34-74-2	0.057	2.8
Ethylbenzene	100-41-4	0.057	1.0
Fluorene	36-73-7	0.059	NA
Naphthalene	91-20-3	0.059	3.6
Phenanthrene	95-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2
Pyrene	129-00-0	0.067	8.2
Toluene	108-88-3	0.080	1.0
Xylenes-mixed isomers (sum of o-, m-, and p-)	1330-20-7	0.032	30
Xylene concentrations)			
Chromium (Total)	7440-47-3	2.77	0.86 mg/l TCLP
Cyanides (Total)(7)	57-12-5	0.2	590
Lead	7439-92-1	0.69	NA
Nickel	7440-02-0	NA	5.0 mg/l TCLP

F039

Leachate (liquids that have percolated through land disposed wastes) resulting from the disposal of more than one restricted waste classified as hazardous under 728.Subpart D. (Leachate resulting from the disposal of one or more of the following U.S. EPA hazardous wastes and no other hazardous wastes retains its U.S. EPA hazardous waste numbers: F020, F021, F022, F026, F027, or F028.

Acenaphthylene	208-96-8	0.059	3.4
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PeCads (All Pentachloro- dibenzo-p-dioxins)	NA	0.000063	0.001
PeCDFs (All Pentachloro- dibenzofurans)	NA	0.000035	0.001
Pentachloronitrobenzene	82-68-3	0.055	4.8
Pentachloropropene	37-86-5	0.089	7.4
Phenacetin	52-14-2	0.081	1.6
Phenanthrene	35-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2
Phosphate	738-02-2	0.021	4.6
Phthalic anhydride	35-44-9	0.055	NA
Promamide	23950-58-5	0.093	1.5
Pyrene	129-00-0	0.067	8.2
Pyridine	110-86-1	0.014	1.6
Safrole	24-59-7	0.081	22
Silvex (2,4,5-TP)	33-72-1	0.72	7.9
2,4,5-T	33-76-5	0.72	7.9
2,2,4,5-Tetrachloro- benzene	35-24-3	0.055	14
TCDDs (All Tetrachloro- dibenzo-p-dioxins)	NA	0.000063	0.001
TCDFs (All Tetrachloro- dibenzofurans)	NA	0.000063	0.001
2,1,1,2-Tetrachloro- ethane	630-20-6	0.057	6.0
2,1,1,2,2-Tetrachloro- ethane	79-34-6	0.057	6.0
Tetrachloroethylene	127-18-4	0.056	6.0
2,3,4,6-Tetrachloro- phenol	58-90-2	0.030	7.4
Toluene	108-88-3	0.080	10
Toxaphene	8001-35-2	0.0095	2.6
Bromoform (Tribromo- methane)	75-25-2	0.63	15
1,2,4-Trichlorobenzene	120-82-1	0.055	19
1,1,1-Trichloroethane	71-55-6	0.054	6.0
1,1,2-Trichloroethane	79-00-5	0.054	6.0
Trichloroethylene	79-01-6	0.054	6.0
Trichloromonofluoro- methane	75-69-4	0.020	30
2,4,5-Trichlorophenol	95-95-4	0.18	7.4
2,4,6-Trichlorophenol	88-06-2	0.035	7.4
1,2,3-Trichloropropane	96-18-4	0.85	30
1,1,2-Trichloro-1,2,2- trifluoroethane	76-13-1	0.057	30
tris(2,3-Dibromopropyl) phosphate	126-72-7	0.11	NA
Vinyl chloride	75-01-4	0.27	6.0

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Xylenes-mixed isomers (sum of o-, m-, and p- xylene concentrations)	1330-20-7	0.32	30
Antimony	7440-36-0	1.9	2.1 mg/l TCLP
Arsenic	7440-38-2	1.4	2.0 mg/l TCLP
Barium	7440-39-3	1.2	1.6 mg/l TCLP
Beryllium	7440-41-7	0.82	NA
Cadmium	7440-43-9	1.69	1.2 mg/l TCLP
Chromium (Total)	7440-47-3	2.77	1.86 mg/l TCLP
Cyanides (Total)(7)	57-12-5	1.2	20
Cyanides (Amenable)(7)	57-12-5	1.86	NA
Fluoride	16964-48-8	35	NA
Lead	7439-92-1	0.69	1.17 mg/l TCLP
Mercury	7439-97-6	0.15	0.25 mg/l TCLP
Nickel	7440-02-0	3.98	5.0 mg/l TCLP
Selenium	7782-49-2	0.82	1.16 mg/l TCLP
Silver	7440-22-4	1.43	1.30 mg/l TCLP
Sulfide	8496-25-8	1.4	NA
Thallium	7440-28-0	1.4	NA
Vanadium	7440-62-2	1.3	NA
K001 Bottom sediment sludge from the treatment of wastewaters from wood preserving processes that use creosote or pentachlorophenol.			
Naphthalene	91-20-3	0.059	5.6
Pentachlorophenol	87-86-5	0.089	7.4
Phenanthrene	85-01-8	0.059	5.6
Pyrene	129-00-0	0.067	8.2
Toluene	108-88-3	0.080	10
Xylenes-mixed isomers (sum of o-, m-, and p- xylene concentrations)	1330-20-7	0.32	30
Lead	7439-92-1	0.69	1.37 mg/l TCLP
K002 Wastewater treatment sludge from the production of chrome yellow and orange pigments.			
Chromium (Total)	7440-47-3	2.77	0.86 mg/l TCLP
Lead	7439-92-1	0.69	0.37 mg/l TCLP
K003 Wastewater treatment sludge from the production of molybdate orange pigments.			
Chromium (Total)	7440-47-3	2.77	0.86 mg/l TCLP
Lead	7439-92-1	0.69	0.37 mg/l TCLP
K004 Wastewater treatment sludge from the production of zinc yellow pigments.			

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Chromium (Total) 7440-47-3 2.77 0.86 mg/l TCLP
Lead 7439-92-1 0.69 0.37 mg/l TCLP

K005 Wastewater treatment sludge from the production of chrome green pigments.
Chromium (Total) 7440-47-3 2.77 0.86 mg/l TCLP
Lead 7439-92-1 0.69 0.37 mg/l TCLP
Cyanides (Total)(7) 57-12-5 1.2 590

K006 Wastewater treatment sludge from the production of chrome oxide green pigments (anhydrous).
Chromium (Total) 7440-47-3 2.77 0.86 mg/l TCLP
Lead 7439-92-1 0.69 0.37 mg/l TCLP

K006 Wastewater treatment sludge from the production of chrome oxide green pigments (hydrated).
Chromium (Total) 7440-47-3 2.77 0.86 mg/l TCLP
Lead 7439-92-1 0.69 NA

K007 Wastewater treatment sludge from the production of iron blue pigments.
Chromium (Total) 7440-47-3 2.77 0.86 mg/l TCLP
Lead 7439-92-1 0.69 NA
Cyanides (Total)(7) 57-12-5 1.2 590

K008 Oven residue from the production of chrome oxide green pigments.
Chromium (Total) 7440-47-3 2.77 0.86 mg/l TCLP
Lead 7439-92-1 0.69 0.37 mg/l TCLP

K009 Distillation bottoms from the production of acetaldehyde from ethylene.
Chloroform 57-66-3 0.046 6.0

K010 Distillation side cuts from the production of acetaldehyde from ethylene.
Chloroform 57-66-3 0.046 6.0

K011 Bottom stream from the wastewater stripper in the production of acrylonitrile.
Acetonitrile 75-05-8 5.6 18
Acrylonitrile 107-13-1 0.24 34
Acrylamide 79-06-1 19 23
Benzene 71-43-2 0.14 10
Cyanide (Total) 57-12-5 1.2 590

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K013 Bottom stream from the acetonitrile column in the production of acrylonitrile.
Acetonitrile 75-05-8 5.6 1.8
Acrylonitrile 107-13-1 0.24 34
Acrylamide 79-06-1 19 23
Benzene 71-43-2 0.14 10
Cyanide (Total) 57-12-5 1.2 590

K014 Bottoms from the acetonitrile purification column in the production of acetonitrile.
Acetonitrile 75-05-8 5.6 1.8
Acrylonitrile 107-13-1 0.24 34
Acrylamide 79-06-1 19 23
Benzene 71-43-2 0.14 10
Cyanide (Total) 57-12-5 1.2 590

K015 Still bottoms from the distillation of benzyl chloride.
Anthracene 120-12-7 0.059 3.4
Benzal chloride 98-87-3 0.055 5.0
Benzo(b)fluoranthene 205-99-2 0.11 5.3

(difficult to distinguish from benzo-(k)fluoranthene)
Benzo(k)fluoranthene 207-08-9 0.11 6.8

(difficult to distinguish from benzo-(b)fluoranthene)
Phenanthrene 95-01-8 0.059 5.6
Toluene 108-88-3 0.080 1.0
Chromium (Total) 7440-47-3 2.77 0.86 mg/l TCLP
Nickel 7440-02-0 3.98 3.0 mg/l TCLP

K016 Heavy ends or distillation residues from the production of carbon tetrachloride.
Hexachlorobenzene 118-74-1 0.055 1.0
Hexachlorobutadiene 97-68-3 0.055 5.6
Hexachlorocyclopentadiene 77-47-4 0.057 2.4

Hexachloroethane 67-72-1 0.055 1.0
Tetrachloroethylene 127-18-4 0.056 6.0

K017 Heavy ends (still bottoms) from the purification column in the production of epichlorohydrin.
Bis(2-Chloroethyl)ether 111-44-4 0.033 6.0

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1,2-Dichloropropane	78-37-5	0.85	18
1,2,3-Trichloropropane	96-18-4	0.85	30
K018			
Heavy ends from the fractionation column in ethyl chloride production.			
Chloroethane	75-00-3	0.27	6.0
Chloromethane	74-87-3	0.19	NA
1,1,1-Trichloroethane	75-34-3	0.059	6.0
1,1,2-Dichloroethane	107-06-2	0.21	6.0
1,2-Dichlorobenzene	118-74-1	0.055	0
Hexachlorobutadiene	87-68-3	0.055	5.6
Hexachloroethane	67-72-1	0.055	30
Pentachloroethane	76-01-7	NA	6.0
1,1,1-Trichloroethane	71-55-6	0.054	6.0

K019

Heavy ends from the distillation of ethylene dichloride in ethylene dichloride production.

Bis(2-Chloroethyl) ether	111-44-1	0.033	6.0
Chlorobenzene	108-90-7	0.057	6.0
Chloroform	67-66-3	0.046	6.0
p-Dichlorobenzene	106-46-7	0.090	NA
1,2-Dichloroethane	107-06-2	0.21	6.0
Fluorene	96-73-7	0.059	NA
Hexachloroethane	67-72-1	0.055	30
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	5.6
1,2,4,5-Tetrachloro-benzene	95-94-3	0.055	NA
Tetrachloroethylene	127-18-4	0.056	6.0
1,2,4-Trichlorobenzene	120-82-1	0.055	19
1,1,1-Trichloroethane	71-55-6	0.054	6.0

K020

Heavy ends from the distillation of vinyl chloride in vinyl chloride monomer production.

1,2-Dichloroethane	107-06-2	0.21	6.0
1,1,2,2-Tetrachloroethane	79-34-6	0.057	6.0
Tetrachloroethylene	127-18-1	0.056	6.0

K021

Aqueous spent antimony catalyst waste from fluoromethane production.

Carbon tetrachloride	56-23-5	0.057	6.0
Chloroform	67-66-3	0.046	6.0
Antimony	7440-36-0	1.9	2.1 mg/l TCLP

K022

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Distillation bottom tars from the production of phenol or acetone from cumene.			
Toluene	108-88-3	0.080	10
Acetophenone	96-36-2	0.010	2.7
Diphenylamine	122-39-4	0.32	13
(difficult)			
to distinguish from diphenylnitrosamine)			
Diphenylnitrosamine	86-30-6	0.32	13
(difficult to distinguish from diphenylamine)			
Phenol	108-95-2	0.039	6.2
Chromium (Total)	7440-47-3	2.77	0.86 mg/l TCLP
Nickel	7440-02-0	0.98	5.0 mg/l TCLP

K023

Distillation light ends from the production of phthalic anhydride from naphthalene.

Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	100-21-0	0.055	28
Phthalic anhydride	95-44-9	0.055	28

K024

Distillation bottoms from the production of phthalic anhydride from naphthalene.

Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	100-21-0	0.055	28
Phthalic anhydride	85-44-9	0.055	28

K025

Distillation bottoms from the production of nitrobenzene by the nitration of benzene.

NA	NA	LEXTR fb SSTRP fb CARBN; or INCIN	INCIN
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K026

Stripping still tails from the production of methyl ethyl pyridines.

NA	NA	INCIN	INCIN
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K027

Centrifuge and distillation residues from the toluene diisocyanate production.

NA	NA	CARBN; or INCIN	CMBST
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K028			
Spent catalyst from the hydrochlorinator reactor in the production of 1,1,1-trichloroethane.			
trans-1,2-Dichloroethane	75-34-3	0.059	6.0
ethylene	156-60-5	0.054	30
Hexachlorobutadiene	97-88-3	0.055	5.6
Hexachloroethane	67-72-1	0.055	30
Pentachloroethane	6-01-7	NA	5.0
1,1,1,2-Tetrachloroethane	630-20-6	0.057	6.0
1,1,2,2-Tetrachloroethane	79-34-6	0.057	6.0
Tetrachloroethylene	27-18-4	0.056	6.0
1,1,1-Trichloroethane	71-55-6	0.054	6.0
1,1,2-Trichloroethane	79-00-5	0.054	6.0
Cadmium	7440-43-9	0.69	NA
Chromium (Total)	7440-47-3	2.77	0.86 mg/l TCLP
Lead	7439-92-1	0.69	0.37 mg/l TCLP
Nickel	7440-02-0	3.98	5.0 mg/l TCLP

K029			
Waste from the product steam stripper in the production of 1,1,1-trichloroethane.			
Chloroform	67-66-3	0.046	6.0
1,2-Dichloroethane	84-74-2	0.21	5.0
1,1-Dichloroethylene	75-35-4	0.025	6.0
1,1,1-Trichloroethane	71-55-6	0.034	6.0
Vinyl chloride	75-01-4	0.27	6.0

K030			
Column bodies or heavy ends from the combined production of trichloroethylene and perchloroethylene.			
o-Dichlorobenzene	95-50-1	0.088	NA
p-Dichlorobenzene	90-46-7	0.090	NA
Hexachlorobutadiene	47-58-3	0.055	5.6
Hexachloroethane	57-72-1	0.055	30
hexachloropropylene	1888-71-7	NA	30
enachlorobenzene	608-93-5	NA	10
enachloroethane	6-01-7	NA	6.0
1,2,4,5-Tetrachlorobenzene	35-94-3	0.055	1.4
erachloroethylene	127-18-4	0.056	6.0
1,2,4-Trichlorobenzene	120-82-1	0.055	1.9

K031			
By-product salts generated in the production of MSMA and cacodylic acid.			
Arsenic	7440-38-2	1.4	5.0 mg/l TCLP

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K032			
Wastewater treatment sludge from the production of chlordane.			
Hexachlorocyclopentadiene	77-47-4	0.057	2.4
Chlordane (alph and gamma isomers)	57-71-9	0.0033	0.26
Heptachlor	76-44-8	0.0012	0.066
Heptachlor epoxide	1024-57-3	0.016	0.066
K033			
Wastewater and scrub water from the chlorination of cyclopentadiene in the production of chlordane.			
Hexachlorocyclopentadiene	77-47-4	0.057	2.4
K034			
Filter solids from the filtration of hexachlorocyclopentadiene in the production of chlordane.			
Hexachlorocyclopentadiene	77-47-4	0.057	2.4

K035			
Wastewater treatment sludges generated in the production of creosote.			
Acenaphthene	93-32-9	NA	3.4
Anthracene	120-12-7	NA	3.4
Benzo(a)anthracene	56-55-3	0.061	3.4
Benzo(a)pyrene	50-32-8	0.061	3.4
Chrysene	218-01-9	0.059	3.4
o-Cresol	95-48-7	0.11	5.6
m-Cresol	108-39-4	0.77	5.6
(difficult to distinguish from p-cresol)			
p-Cresol	106-44-5	0.77	5.6
(difficult to distinguish from m-cresol)			
Dibenz(a,h)anthracene	53-70-3	NA	8.2
Fluoranthene	206-44-0	0.068	3.4
Fluorene	36-73-7	NA	3.4
Indeno(1,2,3-cd)pyrene	193-39-5	NA	3.4
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	95-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2
Pyrene	229-00-0	0.067	9.2

K036			
Still bottoms from toluene reclamation distillation in the production of			

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disulfoton.					
Disulfoton	298-04-1	2.017	5.2		
K037					
Wastewater treatment sludges from the production of disulfoton.					
Disulfoton	298-04-4	2.017	5.2		
Toluene	298-88-3	2.080	10		
K038					
Wastewater from the washing and stripping of phorate production.					
Phorate	298-02-2	2.021	4.6		
K039					
Filter cake from the filtration of diethylphosphorodithioic acid in the production of phorate.					
NA	NA	CARBON; or ZINC	CMBST		
K040					
Wastewater treatment sludge from the production of phorate.	298-02-2	2.021	4.6		
K041					
Wastewater treatment sludge from the production of toxaphene.					
Toxaphene	8001-35-2	0.0095	2.6		
K042					
Heavy ends or distillation residues from the distillation of tetrachlorobenzene in the production of 2,4,5-T.					
o-Dichlorobenzene	35-50-1	0.088	6.0		
p-Dichlorobenzene	106-46-7	0.090	6.0		
Pentachlorobenzene	608-93-5	0.055	10		
1,2,4,5-Tetrachlorobenzene	35-94-3	0.055	14		
benzene					
1,2,4-Trichlorobenzene	120-82-1	0.055	19		
K043					
2,6-Dichlorophenol waste from the production of 2,4-D.					
2,4-Dichlorophenol	120-83-2	0.044	14		
2,6-Dichlorophenol	187-65-0	0.044	14		
2,4,5-Trichlorophenol	95-95-4	0.18	7.4		
2,4,6-Trichlorophenol	88-06-2	0.035	7.4		
2,3,4,6-Tetrachlorophenol	58-90-2	0.030	7.4		
Pentachlorophenol					
Tetrachloroethylene	87-86-5	0.089	7.4		
HxCDDs (All Hexachloro-dibenzo-p-dioxins)	127-18-4	0.056	6.0		
	NA	0.000063	0.001		

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HxCDFs (all Hexachloro-dibenzofurans)	NA	0.000063	0.001		
PeCDDs (All Pentachloro-dibenzo-p-dioxins)	NA	0.000063	0.001		
PeCDFs (All Pentachloro-dibenzofurans)	NA	0.000035	0.001		
TCDDs (All Tetrachloro-dibenzo-p-dioxins)	NA	0.00063	0.001		
TCDFs (All Tetrachloro-dibenzofurans)	NA	0.00063	0.001		
K044					
Wastewater treatment sludges from the manufacturing and processing of explosives.					
NA	NA	DEACT	DEACT		
K045					
Spent carbon from the treatment of wastewater containing explosives.	NA	DEACT	DEACT		
K046					
Wastewater treatment sludges from the manufacturing, formulation and loading of lead-based initiating compounds.					
Lead	439-92-1	0.69	0.37 mg/l TCCLP		
K047					
Pink or red water from TNT operations.	NA	DEACT	DEACT		
K048					
Dissolved air flotation (DAF) float from the petroleum refining industry.					
Benzene	71-43-2	0.14	10		
Benzo(a)pyrene	50-32-8	0.61	3.4		
bis(2-Ethylhexyl)phthalate	117-81-7	0.28	28		
Chrysene	218-01-9	0.059	3.4		
Di-n-butyl phthalate	84-74-2	0.057	28		
Ethylbenzene	100-41-4	0.057	10		
Fluorene	86-73-7	0.059	NA		
Naphthalene	31-20-3	0.059	5.6		
Phenanthrene	35-01-8	0.059	5.6		
Phenol	108-95-2	0.039	6.2		
Pyrene	129-00-0	0.067	8.2		
Toluene	108-88-33	0.080	10		
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30		
Chromium (Total)	7440-47-3	2.77	0.86 mg/l TCCLP		

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Cyanides (Total)(7)	590
Lead	NA
Nickel	5.0 mg/l TCLP

K049

Slop oil emulsion solids from the petroleum refining industry.

Anthracene	1.2	590
Benzene	3.69	NA
Benzo(a)pyrene	NA	5.0 mg/l TCLP
bis(2-Ethylhexyl)		
Carbonate	1.2	3.4
Carbon disulfide	0.059	1.0
Chrysene	0.14	3.4
2,4-Dimethylphenol	0.061	3.4
Ethylbenzene	0.28	28
Naphthalene	3.8	NA
Phenanthrene	0.059	3.4
Phenol	0.036	NA
Pyrene	0.057	3.4
Toluene	0.059	1.0
Xylenes-mixed isomers	0.039	5.6
(sum of o-, m-, and p-ylene concentrations)	0.067	5.6
Cyanides (Total)(7)	0.080	6.2
Lead	0.32	8.2
Nickel		1.0

Heat exchanger bundle cleaning sludge from the petroleum refining industry.		
Benzo(a)pyrene	1.2	590
Cyanides (Total)(7)	2.77	0.86 mg/l TCLP
Chromium (Total)	0.69	NA
Lead	NA	5.0 mg/l TCLP
Nickel		

K050

Heat exchanger bundle cleaning sludge from the petroleum refining industry.

Benzo(a)pyrene	0.061	3.4
Phenol	0.039	6.2
Cyanides (Total)(7)	1.2	590
Chromium (Total)	2.77	0.86 mg/l TCLP
Lead	0.69	NA
Nickel	NA	5.0 mg/l TCLP

K051

API separator sludge from the petroleum refining industry.

Acenaphthene	0.059	NA
Anthracene	0.059	3.4
Benzo(a)anthracene	0.059	3.4
Benzene	0.14	1.0
Benzo(a)pyrene	0.061	3.4
bis(2-Ethylhexyl)	0.28	28
Phthalate		
Chrysene	0.059	3.4
2-n-octyl phthalate	0.057	28

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Ethylbenzene	100-41-4	0.057	1.0
Fluorene	36-73-7	0.059	NA
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	95-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2
Pyrene	129-00-0	0.067	3.2
Toluene	106-88-3	0.08	1.0
Xylenes-mixed isomers	1330-20-7	0.32	3.0
(sum of o-, m-, and p-ylene concentrations)			
Cyanides (Total)(7)			
Chromium (Total)	57-12-5	2.2	590
Lead	7440-47-3	2.77	0.86 mg/l TCLP
Nickel	7439-92-1	0.69	NA
	7440-02-0	NA	5.0 mg/l TCLP

K052

Tank bottoms (lead) from the petroleum refining industry.

Benzene	71-43-2	0.14	1.0
Benzo(a)pyrene	50-32-8	0.061	3.4
p-Cresol	35-48-7	0.11	5.6
m-Cresol	108-39-4	0.77	5.6
(difficult to distinguish from p-cresol)			
p-Cresol	106-44-5	0.77	5.6
(difficult to distinguish from m-cresol)			
2,4-Dimethylphenol			
Ethylbenzene	105-67-9	0.036	NA
Naphthalene	100-41-4	0.057	1.0
Phenanthrene	91-20-3	0.059	5.6
Phenol	85-01-8	0.059	5.6
Toluene	108-95-2	0.039	6.2
Xylene-mixed isomers	108-88-3	0.08	1.0
(sum of o-, m-, and p-ylene concentrations)	1330-20-7	0.32	3.0
Chromium (Total)(7)			
Cyanides (Total)	7440-47-3	2.77	0.86 mg/l TCLP
Lead	57-12-5	2.2	590
Nickel	7439-92-1	0.69	NA
	7440-02-0	NA	5.0 mg/l TCLP

K060

Ammonia still lime sludge from coking operations.

Benzene	71-43-2	0.14	1.0
Benzo(a)pyrene	50-32-8	0.061	3.4
Naphthalene	91-20-3	0.059	5.6
Phenol	108-95-2	0.039	6.2

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<u>Cyanides (Total)(7)</u>		<u>57-12-5</u>	<u>1.2</u>	<u>590</u>
<u>K061</u>				
<u>Emission control dust or sludge from the primary production of steel in electric furnaces.</u>				
<u>Antimony</u>	7440-36-0	NA		2.1 mg/l TCLP
<u>Arsenic</u>	7440-38-2	NA		5.0 mg/l TCLP
<u>Barium</u>	7440-39-3	NA		7.6 mg/l TCLP
<u>Beryllium</u>	7440-41-7	NA		0.014 mg/l TCLP
				TCLP
<u>Cadmium</u>	7440-43-9	0.69		0.19 mg/l TCLP
<u>Chromium (Total)</u>	7440-47-3	2.77		0.86 mg/l TCLP
<u>Lead</u>	7439-92-1	0.69		0.37 mg/l TCLP
<u>Mercury</u>	7439-97-6	NA		0.025 mg/l TCLP
<u>Nickel</u>	7440-02-0	3.98		5.0 mg/l TCLP
<u>Selenium</u>	7782-49-2	NA		0.16 mg/l TCLP
<u>Silver</u>	7740-22-4	NA		0.30 mg/l TCLP
<u>Thallium</u>	NA	NA		0.078 mg/l TCLP
<u>Zinc</u>	7440-66-6	NA		5.3 mg/l TCLP

<u>K062</u>	
<u>Spent pickle liquor generated by steel finishing operations of facilities within the iron and steel industry (SIC Codes 331 and 332).</u>	
<u>Chromium (Total)</u>	7440-47-3 2.77
<u>Lead</u>	7439-92-1 0.69
<u>Nickel</u>	7440-02-0 3.98

<u>K069</u>	
<u>Emission control dust or sludge from secondary lead smelting. - Calcium sulfate (Low Lead) Subcategory</u>	
<u>Cadmium</u>	7440-43-9 0.69
<u>Lead</u>	7439-92-1 0.69

<u>K069</u>	
<u>Emission control dust or sludge from secondary lead smelting. - Non-Calcium sulfate (High Lead) Subcategory</u>	
<u>NA</u>	<u>NA</u>
	<u>RLEAD</u>

<u>K071</u>	
<u>(Brine purification muds from the mercury cell process in chlorine production, where separately prepurified brine is not used) nonwastewaters that are residues from RMERC.</u>	
<u>Mercury</u>	7439-97-6 NA 0.20 mg/l TCLP

<u>K071</u>	
<u>(Brine purification muds from the mercury cell process in chlorine production, where separately prepurified brine is to used) nonwastewaters that are not residues from RMERC.</u>	

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<u>Mercury</u>	7439-97-6	NA	0.025 mg/l TCLP
<u>K071</u>			
<u>All K071 wastewaters.</u>			
<u>Mercury</u>	7439-97-6	0.015	NA
<u>K073</u>			
<u>Chlorinated hydrocarbon waste from the purification step of the diaphragm cell process using granitic anodes in chlorine production.</u>			
<u>Carbon tetrachloride</u>	56-23-5	0.057	6.0
<u>Chloroform</u>	67-66-3	0.046	6.0
<u>Hexachloroethane</u>	57-72-1	0.055	30
<u>Tetrachloroethylene</u>	127-18-4	0.058	6.0
<u>1,1,1-Trichloroethane</u>	71-55-6	0.054	6.0
<u>K083</u>			
<u>Distillation bottoms from aniline production.</u>			
<u>Aniline</u>	62-53-3	0.81	14
<u>Benzene</u>	71-43-2	0.14	10
<u>Cyclohexanone</u>	108-94-1	0.36	NA
<u>Diphenylamine</u>	122-39-4	0.32	13
<u>(difficult to distinguish from diphenylnitrosamine)</u>			
<u>Diphenylnitrosamine</u>		0.92	
<u>(difficult to distinguish from diphenylamine)</u>			
<u>Nitrobenzene</u>	98-95-3	0.068	14
<u>Phenol</u>	108-95-2	0.039	6.2
<u>Nickel</u>	7440-02-0	3.98	5.0 mg/l TCLP
<u>K084</u>			
<u>Wastewater treatment sludges generated during the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.</u>			
<u>Arsenic</u>	7440-38-2	1.4	5.0 mg/l TCLP
<u>K085</u>			
<u>Distillation or fractionation column bottoms from the production of chlorobenzenes.</u>			
<u>Benzene</u>	71-43-2	0.014	10
<u>Chlorobenzene</u>	108-90-7	0.057	6.0
<u>m-Dichlorobenzene</u>	541-73-1	0.036	6.0
<u>o-Dichlorobenzene</u>	95-50-1	0.088	6.0
<u>p-Dichlorobenzene</u>	106-46-7	0.090	6.0
<u>Hexachlorobenzene</u>	118-74-1	0.055	10
<u>Total PCBs</u>	1336-36-3	0.10	10

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

(sum of all PCB isomers, or all Aroclors)		
Pentachlorobenzene	0.055	10
1,2,4,5-Tetrachloro- benzene	0.055	10
1,2,4-Trichlorobenzene	0.055	19
K086		
Solvent wastes and sludges, caustic washes and sludges, or water washes and sludges from cleaning tubs and equipment used in the formulation of ink from pigments, driers, soaps, and stabilizers containing chromium and lead.		
Acetone	0.28	160
Acetophenone	0.010	9.7
Bis(2-Ethylhexyl) phthalate	0.28	28
n-Butyl alcohol	5.6	2.6
Butylbenzyl phthalate	0.017	28
Cyclohexanone	0.36	NA
2-Dichlorobenzene	0.088	5.0
Diethyl phthalate	0.20	28
Dimethyl phthalate	0.047	28
Di-n-butyl phthalate	0.057	28
Di-n-octyl phthalate	0.017	28
Ethyl acetate	0.34	33
Ethylbenzene	0.057	10
Methanol	5.6	NA
Methyl ethyl ketone	0.28	36
Methyl isobutyl ketone	0.14	33
Methylene chloride	0.089	30
Naphthalene	0.059	5.6
Nitrobenzene	0.068	14
Toluene	0.080	10
1,1,1-Trichloroethane	0.054	6.0
Trichloroethylene	0.054	6.0
Xylenes-mixed isomers (sum of o-, m-, and p- xylene concentrations)	0.32	30
Chromium (Total)	2.77	3.36 mg/l TCLP
Cyanides (Total)(7)	1.2	590
Lead	0.69	3.37 mg/l TCLP
K087		
Decanter tank tar sludge from coking operations.		
Acenaphthylene	0.059	3.4
Benzene	0.14	10
Chrysene	0.059	3.4
Fluoranthene	0.068	3.4
Indeno(1,2,3-cd)pyrene	0.0055	3.4

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	5.6
Toluene	108-88-3	0.080	10
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
Lead	7439-92-1	0.069	0.37 mg/l TCLP
K093			
Distillation light ends from the production of phthalic anhydride from orthoxylyene.			
Phthalic anhydride (measured as Phthalic acid or erephtallic acid)	100-21-0	0.055	28
Phthalic anhydride	85-44-9	0.055	28
K094			
Distillation bottoms from the production of phthalic anhydride from orthoxylyene.			
Phthalic anhydride (measured as Phthalic acid or Terephtallic acid)	100-21-0	0.055	28
Phthalic anhydride	85-44-9	0.055	28
K095			
Distillation bottoms from the production of 1,1,1-trichloroethane.			
Hexachloroethane	57-72-1	0.055	30
Pentachloroethane	76-01-7	0.055	5.0
1,1,1,2-Tetrachloroethane	630-20-6	0.057	5.0
ethane			
1,1,2,2-Tetrachloroethane	79-34-6	0.057	5.0
ethane			
Tetrachloroethylene	127-18-4	0.056	5.0
1,1,2-Trichloroethane	9-00-5	0.054	5.0
Trichloroethylene	79-01-6	0.054	5.0
K096			
Heavy ends from the heavy ends column from the production of 1,1,1-trichloroethane.			
m-Dichlorobenzene	541-73-1	0.036	5.0
Pentachloroethane	76-01-7	0.055	5.0
1,1,1,2-Tetrachloroethane	630-20-6	0.057	5.0
ethane			
1,1,2,2-Tetrachloroethane	79-34-6	0.057	5.0
ethane			
Tetrachloroethylene	127-18-4	0.056	5.0

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

1,2,4-Trichlorobenzene	120-82-1	0.055	1.9
1,1,2-Trichloroethane	79-00-5	0.054	6.0
Trichloroethylene	79-01-6	0.054	6.0

K107

Vacuum stripper discharge from the chloridane chlorinator in the production of

Chloridane	57-74-9	0.0033	0.26
Gamma isomers)			
Heptachlor	76-44-8	0.0012	0.066
Heptachlor epoxide	1024-57-3	0.016	0.068
Hexachlorocyclopenta-	77-47-4	0.057	2.4
diene			

K108

Untreated process wastewater from the production of toxaphene.

Toxaphene	9001-35-2	0.0095	2.6
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K109

Untreated wastewater from the production of 2,4-D.

2,4-Dichlorophenoxy-	24-75-7	0.72	1.0
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acetic acid			
HxCDDs (All Hexachloro-	NA	0.000063	0.001
dibenzop-p-dioxins)			
HxCDFs (All Hexachloro-	NA	0.000063	0.001
dibenzofurans)			
PeCDDs (All Pentachloro-	NA	0.000063	0.001
dibenzop-p-dioxins)			
PeCDFs (All Pentachloro-	NA	0.000035	0.001
dibenzofurans)			
TCDDs (All Tetrachloro-	NA	0.000063	0.001
dibenzop-p-dioxins)			
TCDFs (All Tetrachloro-	NA	0.000063	0.001
dibenzofurans			

K100

Waste leaching solution from acid leaching of emission control dust or sludge from secondary lead smelting.

Cadmium	7440-43-9	0.69	0.19 mg/l TCLP
Chromium (Total)	7440-47-3	2.77	0.86 mg/l TCLP
Lead	7439-92-1	0.69	0.37 mg/l TCLP

K101

Distillation tar residues from the distillation of aniline-based compounds in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.

O-Nitroaniline	88-74-4	0.27	1.4
Arsenic	7440-38-2	1.4	5.0 mg/l TCLP

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Cadmium	7440-43-9	0.69	NA
Lead	7439-92-1	0.69	NA
Mercury	7439-97-6	0.15	NA

K102

Residue from the use of activated carbon f-decolorizatin in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.

O-Nitrophenol	58-75-5	0.028	2.3
Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
Cadmium	7440-43-9	0.069	NA
Lead	7439-92-1	0.69	NA
Mercury	7439-97-6	0.15	NA

K103

Process residues from aniline extraction from the production of aniline.

Aniline	62-53-3	0.81	1.4
Benzene	71-43-2	0.14	1.0
2,4-Dinitrophenol	51-28-5	0.12	1.60
Nitrobenzene	98-95-3	0.068	1.4
Phenol	108-95-2	0.039	0.2

K104

Combined wastewater streams generated from nitrobenzene or aniline production.

Aniline	62-53-3	0.81	1.4
Benzene	71-43-2	0.14	1.0
2,4-Dinitrophenol	51-28-5	0.12	1.60
Nitrobenzene	98-95-3	0.068	1.4
Phenol	108-95-2	0.039	0.2
Cyanides (Total)(7)	57-12-5	1.2	590

K105

Separated aqueous stream from the reactor product washing step in the production of chlorobenzenes.

Benzene	71-43-2	0.14	1.0
Chlorobenzene	108-90-7	0.057	6.0
2-Chlorophenol	95-57-8	0.044	5.7
p-Dichlorobenzene	35-50-1	0.088	6.0
m-Dichlorobenzene	106-46-7	0.090	6.0
Phenol	108-95-2	0.039	6.2
2,4,5-Trichlorophenol	95-95-1	0.18	1.4
2,4,6-Trichlorophenol	88-06-2	0.035	1.4

K106

K106 (wastewater treatment sludge from the mercury cell process in chlorine production) nonwastewaters that contain greater than or equal to 260 mg/kg total mercury.

Mercury	7439-97-6	NA	RMERC
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POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

K106	K106 (wastewater treatment sludge from the mercury cell process in chlorine production) nonwastewaters that contain less than 260 mg/kg total mercury that are residues from RMERC.		
	Mercury	NA	2.20 mg/l TCLP
K106	Other K106 nonwastewaters that contain less than 260 mg/kg total mercury and are not residues from RMERC.		
	Mercury	NA	0.025 mg/l TCLP
K106	All K106 wastewaters.		
	Mercury	439-97-6	0.15
K107	Column bottoms from product separation from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.		
	NA	NA	INCIN; or CHOXD fb CARBN; or BIODG fb CARBN
K108	Condensed column overheads from product separation and condensed reactor vent gases from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.		
	NA	NA	INCIN; or CHOXD fb CARBN; or BIODG fb CARBN
K109	Spent filter cartridges from product purification from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.		
	NA	NA	INCIN; or CHOXD fb CARBN; or BIODG fb CARBN
K110	Condensed column overheads from intermediate separation from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.		
	NA	NA	INCIN; or CHOXD fb CARBN; or BIODG fb CARBN

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

K111	Product washwaters from the production of dinitrotoluene via nitration of toluene.		
	2,4-Dinitrotoluene	121-1-1	2.32
K112	Reaction by-product water from the drying column in the production of toluenediamine via hydrogenation of dinitrotoluene.		
	NA	NA	INCIN; or CHOXD fb CARBN; or BIODG fb CARBN
K113	Condensed liquid light ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.		
	NA	NA	CARBN; or INCIN
K114	Vicinals from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.		
	NA	NA	CARBN; or INCIN
K115	Heavy ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.		
	Nickel	7440-02-0	3.98
K116	Organic condensate from the solvent recovery column in the production of toluene diisocyanate via proisgenation of toluenediamine.		
	NA	NA	CARBN; or INCIN
K117	Wastewater from the reactor vent gas scrubber in the production of ethylene dibromide via bromination of ethene.		
	Methyl bromide (Bromo-methane)	74-83-90.11	15
	Chloroform	67-66-3	0.046
	Ethylene-dibromide (1,2-Dibromoethane)	106-93-4	0.028

5.0 mg/l TCLP
CMBST6.0
15

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

K118
Spent absorbent solids from purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene.
Methyl bromide (Bromo-methane) 15
Chloroform 6.0
Ethylene dibromide 15
(1,2-Dibromoethane)

K123
Process wastewater (including supernates, filtrates, and washwaters) from the production of ethylenedisithiocarbamic acid and its salts.
NA
INCIN: or
THOXD fb
BIODG or
CARBN

K124
Reactor vent scrubber water from the production of ethylenedisithiocarbamic acid and its salts.
NA
INCIN: or
THOXD fb
BIODG or
CARBN

K125
Filtration, evaporation, and centrifugation solids from the production of ethylenedisithiocarbamic acid and its salts.
NA
INCIN: or
THOXD fb
BIODG or
CARBN

K126
Baghouse dust and floor sweeping in milling and packaging operations from the production or formulation of ethylenedisithiocarbamic acid and its salts.
NA
INCIN: or
THOXD fb
BIODG or
CARBN

K131
Wastewater from the reactor and spent sulfuric acid from the acid dryer from the production of methyl bromide.
Methyl bromide (Bromo-methane) 15
74-83-9

K132
Spent absorbent and wastewater separator solids from the production of methyl

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

bromide.
Methyl bromide (Bromo-methane) 15
74-83-2

K136
Still bottoms from the purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene.

Methyl bromide (Bromo-methane) 15
74-83-2
Chloroform 6.0
Ethylene dibromide 15
(1,2-Dibromoethane) 74-83-2

K141

Process residues from the recovery of coal tar, including, but not limited to, collecting sump residues from the production of coke or the recovery of coke by-products produced from coal. This listing does not include K087 (decanter tank tar sludge from coking operations).

Benzene 15
71-43-2
Benz(a)anthracene 15
56-55-3
Benzo(a)pyrene 15
50-2-8
(difficult to distinguish from benzo-(k)fluoranthene)
Benzo(k)fluoranthene 15
207-08-9
(difficult to distinguish from benzo-(b)fluoranthene)
Chrysene 15
218-01-9
Diben(a,h)anthracene 15
53-70-3
Indeno(1,2,3-cd)pyrene 15
193-39-5

K142

Tar storage tank residues from the production of coke from coal or from the recovery of coke by-products produced from coal.

Benzene 15
71-43-2
Benzo(a)anthracene 15
56-55-3
Benzo(a)pyrene 15
50-32-8
Benzo(b)fluoranthene 15
205-99-2
(difficult to distinguish from benzo-(k)fluoranthene)
Benzo(k)fluoranthene 15
207-08-9
(difficult to distinguish from benzo-(b)fluoranthene)
Chrysene 15
218-01-9
Diben(a,h)anthracene 15
53-70-3

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Ideno(1,2,3-cd)pyrene	193-39-5	0.0055	3.4
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K143

Process residues from the recovery of light oil, including, but not limited to, those generated in stills, decanters, and wash oil recovery units from the recovery of coke by-products produced from coal.

Benzene	71-43-2	0.14	10
Benz(a)anthracene	56-55-3	0.059	3.4
Benz(a)pyrene	50-32-8	0.061	3.4
Benzo(b)fluoranthene	205-99-2	0.11	6.8

(difficult to distinguish from benzo-

(k)fluoranthene)

Benzo(k)fluoranthene 207-08-9 0.11 6.8

(difficult to distinguish from benzo-

(b)fluoranthene)

Chrysene 218-01-9 0.059 3.4

K144

Wastewater sump residues from light oil refining, including, but not limited to, intercepting or contamination sump sludges from the recovery of coke by-products produced from coal.

Benzene	71-43-2	0.14	10
Benz(a)anthracene	56-55-3	0.059	3.4
Benz(a)pyrene	50-32-8	0.061	3.4
Benzo(b)fluoranthene	205-99-2	0.11	6.8

(difficult to distinguish from benzo-

(k)fluoranthene)

Benzo(k)fluoranthene 207-08-9 0.11 6.8

(difficult to distinguish from benzo-

(b)fluoranthene)

Chrysene 218-01-9 0.059 3.4

Dibenz(a,h)anthracene 53-70-3 0.055 9.2

K145

Residues from naphthalene collection and recovery operations from the recovery of coke by-products produced from coal.

Benzene	71-43-2	0.14	10
Benz(a)anthracene	56-55-3	0.059	3.4
Benz(a)pyrene	50-32-8	0.061	3.4
Chrysene	218-01-9	0.059	3.4
Dibenz(a,h)anthracene	53-70-3	0.055	6.2
Naphthalene	21-20-3	0.059	5.6

K147

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Tar storage tank residues from coal tar refining.

Benzene	71-43-2	0.14	10
Benz(a)anthracene	56-55-3	0.059	3.4
Benz(a)pyrene	50-32-8	0.061	3.4
Benzo(b)fluoranthene	205-99-2	0.11	6.8

(difficult to distinguish from benzo-

(k)fluoranthene)

Benzo(k)fluoranthene 207-08-9 0.11 6.8

(difficult to distinguish from benzo-

(b)fluoranthene)

Chrysene 218-01-9 0.059 3.4

Dibenz(a,h)anthracene 53-70-3 0.055 8.2

Indeno(1,2,3-cd)pyrene 193-39-5 0.0055 3.4

K148

Residues from coal tar distillation, including, but not limited to, still bottoms.

Benz(a)anthracene	56-55-3	0.059	3.4
Benzo(a)pyrene	50-32-8	0.061	3.4
Benzo(b)fluoranthene	205-99-2	0.11	6.8

(difficult to distinguish from benzo-

(k)fluoranthene)

Benzo(k)fluoranthene 207-08-9 0.11 6.8

(difficult to distinguish from benzo-

(b)fluoranthene)

Chrysene 218-01-9 0.059 3.4

Dibenz(a,h)anthracene 53-70-3 0.055 8.2

Indeno(1,2,3-cd)pyrene 193-39-5 0.0055 3.4

K149

Distillation bottoms from the production of alpha- (or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups. (This waste does not include still bottoms from the distillations of benzyl chloride.)

Chlorobenzene	108-90-7	0.057	6.0
Chloroform	67-66-3	0.046	6.0
Chloromethane	74-87-3	0.19	30
p-Dichlorobenzene	106-46-7	0.090	6.0
Hexachlorobenzene	118-74-1	0.055	10
Pentachlorobenzene	608-93-5	0.055	10
1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	14
Benzene			
Toluene	108-88-3	0.080	10

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

P150

Organic residuals, excluding spent carbon adsorbent, from the spent chlorine gas and hydrochloric acid recovery processes associated with the production of alpha- (or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups.

Carbon tetrachloride	56-23-5	0.057	5.0
Chloroform	67-66-3	0.046	5.0
Chloromethane	50-08-3	0.19	30
o-Dichlorobenzene	95-46-7	0.030	6.0
Hexachlorobenzene	118-74-1	0.055	10
Pentachlorobenzene	608-93-5	0.055	10
1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	14
1,2,2,2-Tetrachloroethane	79-34-5	0.057	5.0
Tetrachloroethylene	127-18-4	0.056	6.0
1,1,2,2-Tetrachlorobenzene	20-82-1	0.055	19

K151

Wastewater treatment sludges, excluding neutralization and biological sludges, generated during the treatment of wastewaters from the production of alpha- (or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups.

Benzene	71-43-2	0.14	10
Carbon tetrachloride	56-23-5	0.057	6.0
Chloroform	67-66-3	0.046	6.0
Hexachlorobenzene	118-74-1	0.055	10
Pentachlorobenzene	608-93-5	0.055	10
1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	14
benzene	127-18-4	0.056	5.0
Tetrachloroethylene	108-88-3	0.080	10
Toluene			

P001

Warfarin, & salts, when present at concentrations greater than 0.3%

Warfarin	91-81-2	(WETOX or CHOXD) fb	CMBST
		CARBEN; or INCIN	

P002

1-Acetyl-2-thiourea

1-Acetyl-2-thiourea	591-08-2	(WETOX or CHOXD) fb	INCIN
		CARBEN; or INCIN	

P003

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Acrolein			
Acrolein	107-02-6	0.29	CMBST
P004			
Aldrin	309-00-2	0.021	2.068
P005			
Allyl alcohol			
Allyl alcohol	107-18-6	(WETOX or CHOXD) fb	CMBST
		CARBEN; or INCIN	
P006			
Aluminum phosphide			
Aluminum phosphide	20859-73-6	CHOXD; CHRED; or INCIN	CHOXD; CHRED; or INCIN
P007			
5-Aminomethyl-3-isoxazolol			
5-Aminomethyl-3-isoxazolol	2763-96-4	(WETOX or CHOXD) fb	INCIN
		CARBEN; or INCIN	
P008			
4-Aminopyridine			
4-Aminopyridine	504-24-5	(WETOX or CHOXD) fb	INCIN
		CARBEN; or INCIN	
P009			
Ammonium picrate			
Ammonium picrate	131-74-8	CHOXD; CHRED; CARBEN; BIODG; or INCIN	CHOXD; CHRED; or CMBST
P010			
Arsenic acid			
Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
P011			
Arsenic pentoxide			
Arsenic	7440-38-2	1.4	5.0 mg/l TCLP

POLLUTION CONTROL BOARD
NOTICE OF ADOPTED AMENDMENTS

P021	Calcium cyanide	57-12-5	1.2	590
	Cyanides (Total)(7)	57-12-5	0.86	30
	Cyanides (Amenable)(7)			
P022	Carbon disulfide	75-15-0	3.8	INCIN
	Carbon disulfide	75-15-0	NA	4.8 mg/l TCLP
	Carbon disulfide; alternates(6) standard for nonwastewaters only			
P023	Chloroacetaldehyde	107-20-0		INCIN
	Chloroacetaldehyde			
P024	p-Chloroaniline	06-47-8	1.16	16
	p-Chloroaniline			
P026	1-(o-Chlorophenyl)thiourea	5344-82-1		INCIN
	1-(o-Chlorophenyl)thiourea			
	urea			
P027	3-Chloropropionitrile	542-76-7		INCIN
	3-Chloropropionitrile			
P028	Benzyl chloride	100-44-7		INCIN
	Benzyl chloride			
P029	Copper cyanide	57-12-5	1.2	590
	Cyanides (Total)(7)	57-12-5	0.86	30
	Cyanides (Amenable)(7)			

POLLUTION CONTROL BOARD
NOTICE OF ADOPTED AMENDMENTS

P012	Arsenic trioxide	2440-38-2	1.4	5.0 mg/l TCLP
	Arsenic			
P013	Barium cyanide	2440-39-3	NA	7.6 mg/l TCLP
	Barium	57-12-5	A	390
	Cyanides (Total)(7)	57-12-5	0.86	30
	Cyanides (Amenable)(7)			
P014	Thiophenol (Benzene thiol)	108-98-5		INCIN
	Thiophenol (Benzene thiol)			
P015	Beryllium dust	2440-41-7		BMETL; or RTHRM
	Beryllium			
P016	Dichloromethyl ether (Bis(chloromethyl)ether)	342-88-1		INCIN
	Dichloromethyl ether			
P017	Bromoacetone	598-31-2		INCIN
	Bromoacetone			
P018	Brucine	357-57-3		INCIN
	Brucine			
P020	2-sec-Butyl-4,6-dinitrophenol (Dinoseb)	0.066	2.5	
	2-sec-Butyl-4,6-dinitrophenol (Dinoseb)			

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

P030 Cyanides (soluble salts and complexes)

Cyanides (Total)(7) 57-12-5 1.2
Cyanides (Ammoniacal)(7) 57-12-5 3.86

P031

Cyanogen
Cyanogen

CHOXD: WETOX:
or INCIN

460-19-5

CHOXD: WETOX:
or INCIN

P033

Cyanogen chloride
Cyanogen chloride

CHOXD: WETOX:
or INCIN

506-77-4

CHOXD: WETOX:
or INCIN

P034

2-Cyclohexyl-4,6-dinitrophenol

2-Cyclohexyl-4,6-dinitrophenol

(WETOX or
CHOXD) fb
CARBN: or
INCIN

131-89-5

INCIN

P036

Dichlorophenylarsine

Arsenic

1.4

7440-38-2

5.0 mg/l TCLP

P037

Dieldrin
Dieldrin

0.017

60-57-1

0.13

P038

Diethylarsine

Arsenic

1.4

7440-38-2

5.0 mg/l TCLP

P039

Disulfoton

Disulfoton

0.017

298-04-4

6.2

P040

O,O-Diethyl-o-pyrazinyl-phosphorothioate

O,O-Diethyl-o-pyrazinyl- 297-97-2

phosphorothioate

CARBN: or
INCIN

P041

Diethyl-p-nitrophenyl phosphate

Diethyl-p-nitrophenyl

phosphate

311-45-5

CMBST

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

P042

Epinephrine

Epinephrine

51-43-4

(WETOX or
CHOXD) fb
CARBN: or
INCIN

INCIN

P043

Diisopropylfluorophosphate (DPP)

Diisopropylfluoro-

phosphate (DPP)

55-91-4

CARBN: or
INCIN

CMBST

P044

Dimethoate

Dimethoate

60-51-5

CARBN: or
INCIN

CMBST

P045

Thiofanox

Thiofanox

39196-18-4

(WETOX or
CHOXD) fb
CARBN: or
INCIN

INCIN

P046

alpha, alpha-Dimethylphenethylamine

alpha, alpha-Dimethyl- 122-09-8

phenethylamine

(WETOX or
CHOXD) fb
CARBN: or
INCIN

INCIN

P047

4,6-Dinitro-o-cresol

4,6-Dinitro-o-cresol

543-52-1

0.28

160

P047

4,6-Dinitro-o-cresol salts

NA

(WETOX or
CHOXD) fb
CARBN: or
INCIN

INCIN

P048

2,4-Dinitrophenol

51-28-5

0.12

160

P049

Dithiobiuret

Dithiobiuret

541-53-7

(WETOX or
INCIN

INCIN

POLLUTION CONTROL BOARD
NOTICE OF ADOPTED AMENDMENTS

P050	Endosulfan	CHOXD) fb CARBN; or INCIN	0.023 0.029 0.029	0.066 0.13 0.13
	Endosulfan I			
	Endosulfan II			
	Endosulfan sulfate			
P051	Endrin		0.0028 0.025	0.13 0.13
	Endrin aldenyde			
P054	Aziridine			
	Aziridine	WETOX or CHOXD) fb CARBN; or INCIN		INCIN
P056	Fluorine			
	Fluoride (measured in wastewaters only)		35	ADGAS fb NEUTR
P057	Fluoroacetamide			
	Fluoroacetamide	WETOX or CHOXD) fb CARBN; or INCIN		INCIN
P058	Fluoroacetic acid, sodium salt			
	Fluoroacetic acid, sodium salt	WETOX or CHOXD) fb CARBN; or INCIN		INCIN
P059	Heptachlor			
	Heptachlor		0.0012 0.016	0.066 0.066
	Heptachlor epoxide			
P060				

POLLUTION CONTROL BOARD
NOTICE OF ADOPTED AMENDMENTS

Isodrin				
Isodrin	465-73-6	0.021		0.066
P062				
Hexaethyl tetraphosphate				
Hexaethyl tetraphosphate	757-58-4	CARBN; or INCIN		CMBST
P063				
Hydrogen cyanide				
Cyanides (Total)(7)	57-12-5	1.2		590
Cyanides (Amenable)(7)	57-12-5	0.86		30
P064				
Isocyanic acid, ethyl ester				
Isocyanic acid, ethyl ester	624-83-9	WETOX or CHOXD) fb CARBN; or INCIN		INCIN
P065				
Mercury	7439-97-6	NA		IMERC
P065				
Mercury	7339-97-6	RMERC		
P065				
Mercury	7439-97-6	NA		0.20 mg/l TCLP
P065				
Mercury	7439-97-6	NA		0.025 mg/l TCLP
P065				
Mercury	7439-97-6	NA		
P065				
Mercury	7439-97-6	0.15		NA
P066				

POLLUTION CONTROL BOARD
NOTICE OF ADOPTED AMENDMENTS

Osmium tetroxide Osmium tetroxide	20816-12-0	RMETL; or RTHM	RMETL; or RTHM
P088 Endothall Endothall	145-73-3	(WETOX or CHOXD) fb CARBN; or INCIN	CMBST
P089 Parathion Parathion	56-38-2	0.014	4.6
P092 P092 (phenyl mercuric acetate) nonwastewaters, regardless of their total mercury content, that are not incinerator residues or are not residues from RMERC.	139-97-6	NA	RMERC; or RMERC
P092 P092 (phenyl mercuric acetate) nonwastewaters that are either incinerator residues or are residues from RMERC; and still contain greater than or equal to 260 mg/kg total mercury.	7439-97-6	NA	RMERC
P092 P092 (phenyl mercuric acetate) nonwastewaters that are residues from RMERC and contain less than 260 mg/kg total mercury.	7439-97-6	NA	0.20 mg/l TCLP
P092 P092 (phenyl mercuric acetate) nonwastewaters that are incinerator residues and contain less than 260 mg/kg total mercury.	139-97-6	NA	0.025 mg/l TCLP
P092 All P092 (phenyl mercuric acetate) wastewaters.	139-97-6	0.15	NA
P093 Phenylthiourea Phenylthiourea	103-85-5	(WETOX or CHOXD) fb CARBN; or	INCIN

POLLUTION CONTROL BOARD
NOTICE OF ADOPTED AMENDMENTS

P094 Phorate Phorate	298-02-2	0.021	4.6
P095 Phosgene Phosgene	75-44-5	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN
P096 Phosphine Phosphine	7803-51-2	CHOXD; CHRED; or INCIN	CHOXD; CHRED; or INCIN
P097 Famphur Famphur	52-85-7	0.017	1.5
P098 Potassium cyanide Cyanides (Total)(7) Cyanides (Amenable)(7)	57-12-5 57-12-5 57-12-5	1.2 0.86 0.86	590 30 30
P099 Potassium silver cyanide Cyanides (Total)(7) Cyanides (Amenable)(7) Silver	57-12-5 57-12-5 7440-22-4	1.2 0.86 0.43	590 30 0.30mg/l TCLP
P101 Ethyl cyanide (Propanenitrile) Ethyl cyanide (Propanenitrile)	107-12-0 107-12-0	0.24	360
P102 Propargyl alcohol Propargyl alcohol	107-19-7 107-19-7	(WETOX or CHOXD) fb CARBN; or INCIN	CMBST
P103 Selenourea Selenium	7782-49-2	0.82	0.16 mg/l TCLP

POLLUTION CONTROL BOARD
NOTICE OF ADOPTED AMENDMENTS

P104 Silver cyanide Cyanides (Total)(7) Cyanides (Amenable)(7) Silver	57-12-5 57-12-5 7440-22-4	1.2 1.86 1.43	590 30 0.30 mg/l TCLP		
P105 Sodium azide Sodium azide	26628-22-8	CHOXD: CHRED: CARBN: BIODG: or INCIN	CHOXD: CHRED: or CMBST		
P106 Sodium cyanide Cyanides (Total)(7) Cyanides (Amenable)(7)	57-12-5 57-12-5 7440-22-4	1.2 1.86	590 30		
P108 Strychnine and salts Strychnine and salts	57-24-9	WETOX or CHOXD) fb CARBN: or INCIN	INCIN		
P109 Tetraethylthiopyrophosphate Tetraethylthiopyro- phosphate	3689-24-5	CARBN: or INCIN	CMBST		
P110 Tetraethyl lead lead	7439-92-1	0.69	0.37 mg/l TCLP		
P111 Tetraethylpyrophosphate Tetraethylpyrospnate	107-49-3	CARBN: or INCIN	CMBST		
P112 Tetranitromethane Tetranitromethane	509-14-8	CHOXD: CHRED: CARBN: BIODG: or INCIN	CHOXD: CHRED: or CMBST		
P113 Thallium oxide Thallium (measured in wastewaters only)	7440-28-0	1.4	RTHRM: or STABL		
P114 Thallium selenite Selenium	7782-49-2	0.82	1.16mg/l TCLP		
P115 Thallium (I) sulfate Thallium (measured in wastewaters only)	7440-29-0	1.4	RTHRM: or STABL		
P116 Thiosemicarbazide Thiosemicarbazide	79-19-6	WETOX or CHOXD) fb CARBN: or INCIN	INCIN		
P118 Trichloromethanethiol Trichloromethanethiol	75-70-7	WETOX or CHOXD) fb CARBN: or INCIN	INCIN		
P119 Ammonium vanadate Vanadium (measured in wastewaters only)	7440-62-2	4.3	STABL		
P120 Vanadium pentoxide Vanadium (measured in wastewaters only)	7440-62-2	4.3	STABL		
P121 Zinc cyanide Cyanides (Total)(7) Cyanides (Amenable)(7)	57-12-5 57-12-5	1.2 1.86	590 30		
P122 Zinc phosphide Zn[1]P[2], when present at concentrations greater than 10% Zinc Phosphide	1314-84-7	CHOXD: CHRED: or INCIN	CHOXD: CHRED: or INCIN		
P123 Toxaphene Toxaphene	9001-35-2	0.0095	2.6		

POLLUTION CONTROL BOARD
NOTICE OF ADOPTED AMENDMENTS

POLLUTION CONTROL BOARD
NOTICE OF ADOPTED AMENDMENTS

U002 Acetaldehyde Acetaldehyde	75-07-0	(WETOX or CHOXD) fb CARBN; or INCIN	CMBST
U003 Acetone Acetone	67-64-1	0.28	160
U004 Acetonitrile Acetonitrile Acetonitrile: alternate(6)u75-05-8 standard for nonwastewaters only	75-05-8	5.6 NA	INCIN 1.8
U005 Acetophenone Acetophenone	98-86-2	0.010	2.7
U006 2-Acetylaminofluorene 2-Acetylaminofluorene	53-96-3	0.059	140
U007 Acetyl chloride Acetyl chloride	75-36-5	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN
U008 Acrylamide Acrylamide	79-06-1	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN
U009 Acrylic acid Acrylic acid	79-10-7	(WETOX or CHOXD) fb CARBN; or INCIN	CMBST
U010 Acrylonitrile Acrylonitrile	25-07-7	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN

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POLLUTION CONTROL BOARD
NOTICE OF ADOPTED AMENDMENTS

U011 Amitrole Amitrole	61-82-5	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN
U012 Aniline Aniline	62-53-3	1.81	1.4
U013 Auramine Auramine	492-80-8	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN
U014 Azaserine Azaserine	115-02-6	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN
U015 Benz(c)acridine Benz(c)acridine	225-51-4	(WETOX or CHOXD) fb CARBN; or INCIN	CMBST
U016 Benzal chloride Benzal chloride	98-87-3	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

U018	Benz(a)anthracene	56-55-3	2.059	3.4		
U-19	Benzene	71-43-2	2.14	1.0		
U020	Benzenesulfonyl chloride	98-09-9	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN		
U021	Benizidine	92-87-5	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN		
U022	Benzo(a)pyrene	50-32-8	0.061	3.4		
U023	Benzotrithloride	98-07-7	CHOXD; CHRED; CARBN; BIODG; or INCIN	CHOXD; CHRED; or CMBST		
U024	Bis(2-Chloroethoxy)methane bis(2-Chloroethoxy)- methane	111-91-1	0.036	7.2		
U025	Bis(2-Chloroethyl)ether	111-44-4	0.033	6.0		
U026	Chlornaphazine	494-03-1	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN		
U027	Bis(2-Chloroisopropyl)ether	39638-32-9	0.055	7.2		
U028	Bis(2-Ethylhexyl)phthalate	117-81-7	0.28	28		
U029	Methyl bromide (Bromomethane)	74-83-9	0.11	0.11		
U030	4-Bromophenyl phenyl ether	101-55-3	0.055	15		
U031	n-Butyl alcohol	71-36-3	3.6	2.6		
U032	Calcium chromate	7440-47-3	2.77	0.86 mg/l TCLP		
U033	Carbon oxyfluoride	353-50-4	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN		
U034	Trichloroacetaldehyde (Chloral)	75-87-6	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN		
U035	Chlorambucil	305-03-3	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN		

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

POLLUTION CONTROL BOARD
NOTICE OF ADOPTED AMENDMENTS

U036 Chlordane Chlordane (alpha and gamma isomers)	57-74-9	0.0033	0.26
U037 Chlorobenzene Chlorobenzene	108-90-7	0.057	6.0
U038 Chlorobenzilate Chlorobenzilate	510-15-6	0.10	INCIN
U039 p-Chloro-m-cresol p-Chloro-m-cresol	59-50-7	0.018	14
U041 Epichlorohydrin (1- chloro-2,3-epoxypropane) Epichlorohydrin (1- chloro-2,3-epoxypropane)	106-39-8	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN
U042 2-Chloroethyl vinyl ether 2-Chloroethyl vinyl ether	110-75-8	0.062	INCIN
U043 Vinyl chloride Vinyl chloride	75-01-4	0.27	6.0
U044 Chloroform Chloroform	67-66-3	0.046	6.0
U045 Chloromethane (Methyl chloride) Chloromethane (Methyl chloride)	74-87-3	0.19	30
U046 Chloromethyl methyl ether Chloromethyl methyl ether	107-30-2	(WETOX or CHOXD) fb	INCIN

POLLUTION CONTROL BOARD
NOTICE OF ADOPTED AMENDMENTS

U047 2-Chloronaphthalene 2-Chloronaphthalene	21-58-7	0.055	5.6
U048 2-Chlorophenol 2-Chlorophenol	95-57-8	0.044	5.7
U049 1-Chloro-o-toluidine hydrochloride 1-Chloro-o-toluidine hydrochloride	3165-93-3	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN
U050 Chrysene Chrysene	218-01-9	0.059	3.4
U051 Creosote Naphthalene Pentachlorophenol Phenanthrene Pyrene Toluene Xylenes-mixed isomers (sum of o-, m-, and p- xylene concentrations) Lead	91-20-3 87-86-5 95-01-8 129-00-0 108-88-3 1330-20-7 139-92-1	0.059 0.089 0.059 0.067 0.080 0.32 0.69	5.6 7.4 5.6 3.2 1.0 30 0.37 mg/l TCLP
U052 Cresols (Cresylic acid) o-Cresol m-Cresol (difficult to distinguish from p- cresol) p-Cresol (difficult to distinguish from m- cresol) Cresol-mixed isomers (Cresylic acid) (sum of o-, m-, and p- cresol concentrations)	25-48-7 108-39-4 106-44-5 1319-77-3	0.11 0.77 0.77 0.88	5.6 5.6 5.6 11.2

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

U053
Crotonaldehyde

4170-30-3
(WETOX or
CHOXD) fb
CARBN; or
INCIN

CMBST

U055
Cumene

38-82-8
(WETOX or
CHOXD) fb
CARBN; or
INCIN

CMBST

U056
Cyclohexane

110-82-7
(WETOX or
CHOXD) fb
CARBN; or
INCIN

CMBST

U057
Cyclohexanone
Cyclohexanone
Cyclohexanone;
alternate(6) standard
for nonwastewaters only

108-94-1
108-94-1
NA

CMBST
2.75 mg/l TCLP

U058
Cyclophosphamide

50-18-0
CARBN; or
INCIN

CMBST

U059
Daunomycin

20830-81-3
(WETOX or
CHOXD) fb
CARBN; or
INCIN

INCIN

U060
DDD
O,p'-DDD
P,p'-DDD

53-19-0
72-54-8
0.023
0.023

0.087
0.087

U061
DDT
O,p'-DDT

789-02-6
0.0339

0.087

POLLUTION CONTROL BOARD

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P,p'-DDT
O,p'-DDD
P,p'-DDD
O,p'-DDE
P,p'-DDE

50-29-3
53-19-0
72-54-8
3424-82-6
72-55-9

0.0039
0.023
0.023
0.031
0.031

0.087
0.087
0.087
0.087
0.087

U062
Diallate

2303-16-4

(WETOX or
CHOXD) fb
CARBN; or
INCIN

INCIN

U063

Dibenz(a,h)anthracene
Dibenz(a,h)anthracene

53-70-3

0.055

3.2

U064

Dibenz(a,i)pyrene
Dibenz(a,i)pyrene

189-55-9

(WETOX or
CHOXD) fb
CARBN; or
INCIN

CMBST

U066

1,2-Dibromo-3-chloro-
propane 1,2-Dibromo-30
chloropropane

96-12-8

0.11

15

U067

Ethylene dibromide (1,2-Dibromoethane)
Ethylene dibromide (1,2- 106-93-4
Dibromoethane)

0.028

15

U068

Dibromoethane
Dibromomethane)

74-95-3

0.11

15

U069

Di-n-butyl phthalate
Di-n-butyl phthalate

84-74-2

0.057

28

U070

o-Dichlorobenzene
o-Dichlorobenzene

95-50-1

0.088

6.0

U071

m-Dichlorobenzene

POLLUTION CONTROL BOARD
NOTICE OF ADOPTED AMENDMENTS

m-Dichlorobenzend	541-73-1	0.036	6.0
U072			
p-Dichlorobenzend	106-46-7	0.090	6.0
U073			
3,3'-Dichlorobenzidine	91-94-1	(WETOX or CHOXD) fb CARBN: or INCIN	INCIN
3,3'-Dichlorobenzidine			
U074			
1,4-Dichloro-2-butene	1476-11-5	(WETOX or CARBN: or INCIN	INCIN
cis-1,4-Dichloro-2-butene	764-41-0	(WETOX or CHOXD) fb INCIN	INCIN
trans-1,4-Dichloro-2-butene			
U075			
Dichlorodifluoromethane	75-71-8	0.23	7.2
Dichlorodifluoromethane			
U076			
1,1-Dichloroethane	75-34-3	0.059	6.0
1,1-Dichloroethane			
U077			
1,2-Dichloroethane	107-06-2	0.21	6.0
1,2-Dichloroethane			
U078			
1,1-Dichloroethylene	75-35-4	0.025	6.0
1,1-Dichloroethylene			
U079			
2,2-Dichloroethylene	156-60-5	0.054	30
trans-1,2-Dichloroethylene			
U080			
Methylene chloride	75-09-2	0.089	30
Methylene chloride			
U081			

POLLUTION CONTROL BOARD
NOTICE OF ADOPTED AMENDMENTS

2,4-Dichlorophenol	120-83-2	0.044	14
2,4-Dichlorophenol			
U082			
2,6-Dichlorophenol	97-65-0	0.044	14
2,6-Dichlorophenol			
U083			
1,2-Dichloropropane	78-87-5	0.85	19
1,2-Dichloropropane			
U084			
1,3-Dichloropropylene	10061-01-5	0.036	18
cis-1,3-Dichloropropylene			
propylene	10061-02-6	0.036	18
trans-1,3-Dichloropropylene			
U085			
2,2,3,4-Diepoxybutane	1464-53-5	(WETOX or CHOXD) fb CARBN: or INCIN	CMBST
2,2,3,4-Diepoxybutane			
U086			
N,N'-Distylylhydrazine	1615-80-1	CHOXD; CHRED; CARBN: BIODG; or INCIN	CHOXD; CHRED; or CMBST
N,N'-Distylylhydrazine			
U087			
o,o-Diethyl S-methyldithiophosphate	3288-58-2	CARBN: or INCIN	CMBST
o,o-Diethyl S-methyl- dithiophosphate			
U088			
Diethyl phthalate	84-66-2	0.20	28
Diethyl phthalate			
U089			
Diethyl stilbestrol	56-53-1	(WETOX or CHOXD) fb CARBN: or INCIN	CMBST
Diethyl stilbestrol			
U090			

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

2,4-Dichloroacrole 2,4-Dichloroacrole	34-58-5	(WETOX or CHOXD) fb CARBN; or INCIN	CMBST
3,3'-Dimethoxybenzidine 3,3'-Dimethoxybenzidine	119-90-4	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN
3,3'-Dimethylaminobenzidine 3,3'-Dimethylaminobenzidine	224-40-3	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN
3,3'-Dimethylaminobenzidine 3,3'-Dimethylaminobenzidine	50-11-7	0.13	INCIN
3,3'-Dimethylaminobenzidine 3,3'-Dimethylaminobenzidine	57-97-6	(WETOX or CHOXD) fb CARBN; or INCIN	CMBST
3,3'-Dimethylaminobenzidine 3,3'-Dimethylaminobenzidine	119-93-7	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN
3,3'-Dimethylaminobenzidine 3,3'-Dimethylaminobenzidine	30-15-9	CHOXD; CHRED; CARBN; BIODG; or INCIN	CHOXD; CHRED; or CMBST
3,3'-Dimethylaminobenzidine 3,3'-Dimethylaminobenzidine	79-44-7	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN

POLLUTION CONTROL BOARD

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2,4-Dichloroacrole 2,4-Dichloroacrole	57-14-7	CHOXD; CHRED; CARBN; BIODG; or INCIN	CHOXD; CHRED; or CMBST
2,4-Dichloroacrole 2,4-Dichloroacrole	540-73-8	CHOXD; CHRED; CARBN; BIODG; or INCIN	CHOXD; CHRED; or CMBST
2,4-Dichloroacrole 2,4-Dichloroacrole	205-67-9	0.036	14
2,4-Dichloroacrole 2,4-Dichloroacrole	31-11-3	0.047	28
2,4-Dichloroacrole 2,4-Dichloroacrole	77-78-1	CHOXD; CHRED; CARBN; BIODG; or INCIN	CHOXD; CHRED; or CMBST
2,4-Dichloroacrole 2,4-Dichloroacrole	121-14-2	0.32	140
2,4-Dichloroacrole 2,4-Dichloroacrole	606-20-2	0.55	28
2,4-Dichloroacrole 2,4-Dichloroacrole	117-84-0	0.017	28
2,4-Dichloroacrole 2,4-Dichloroacrole	23-91-1	(WETOX or CHOXD) fb CARBN; or INCIN	CMBST
2,4-Dichloroacrole 2,4-Dichloroacrole	123-91-1	NA	170

POLLUTION CONTROL BOARD
NOTICE OF ADOPTED AMENDMENTS

U109 1,2-Diphenylhydrazine 1,2-Diphenylhydrazine	122-66-7	CHOXD; CHRED; CARBN; BIODG; or INCIN 0.087	CHOXD; CHRED; or CMBST NA
2,2-Diphenylhydrazine; alternate(6) standard for wastewaters only	122-66-7		
U110 Dipropylamine Dipropylamine	142-84-7	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN
U111 Di-n-propylnitrosamine Di-n-propylnitrosamine	521-64-7	0.10	1.1
U112 Ethyl acetate Ethyl acetate	141-78-8	0.24	33
U113 Ethyl acrylate Ethyl acrylate	140-88-8	(WETOX or CHOXD) fb CARBN; or INCIN	CMBST
U114 Ethylenebisdithiocarb- amic acid salts and esters Ethylenebisdithio- Carbamic acid	111-54-6	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN
U115 Ethylene oxide Ethylene oxide;	75-21-8	(WETOX or CHOXD) fb CARBN; or INCIN 0.12	CHOXD; or INCIN
Ethylene oxide; alternate(6) standard for wastewaters only	75-21-8		NA

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U116 Ethylene thiourea Ethylene thiourea	96-45-7	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN
U117 Ethyl ether Ethyl ether	60-29-7	0.12	1.60
U118 Ethyl methacrylate Ethyl methacrylate	97-63-2	0.14	1.60
U119 Ethyl methane sulfonate Ethyl methane sulfonate	52-50-0	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN
U120 Fluoranthene Fluoranthene	206-44-0	0.068	3.4
U121 Trichloromonofluoromethane Trichloromonofluoro- methane	75-69-4	0.020	1.30
U122 Formaldehyde Formaldehyde	50-00-0	(WETOX or CHOXD) fb CARBN; or INCIN	CMBST
U123 Formic acid Formic acid	64-18-6	(WETOX or CHOXD) fb CARBN; or INCIN	CMBST
U124 Furan Furan	110-00-9	(WETOX or	CMBST

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U125 Furfural Furfural	302-01-1	CHOXD) fb CARBN; or INCIN	CMBST
U126 Glycidylaldehyde Glycidylaldehyde	65-34-4	(WETOX or CHOXD) fb CARBN; or INCIN	CMBST
U127 Hexachlorobenzene Hexachlorobenzene	65-34-4	(WETOX or CHOXD) fb CARBN; or INCIN	CMBST
U128 Hexachlorobutadiene Hexachlorobutadiene	97-68-3	0.055	5.6
U129 Lindane alpha-BHC beta-BHC delta-BHC gamma-BHC (Lindane)	319-84-6 319-85-7 319-86-8 58-89-9	0.00014 0.00014 0.023 0.0017	0.066 0.066 0.066 0.066
U130 Hexachlorocyclopentadiene Hexachlorocyclopentadiene diene	77-47-4	0.057	2.4
U131 Hexachloroethane Hexachloroethane	67-72-1	0.055	30
U132 Hexachlorophene Hexachlorophene	70-30-4	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN

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U133 Hydrazine Hydrazine	302-01-2	CHOXD; CHRED; CARBN; BIODG; or INCIN	CHOXD; CHRED; or CMBST
U134 Hydrogen fluoride Fluoride (measured in wastewaters only)	16964-18-8	35	ADGAS fb NEUTR; or NEUTR
U135 Hydrogen sulfide Hydrogen sulfide	7783-06-4	CHOXD; CHRED; or INCIN	CHOXD; CHRED; or INCIN
U136 Cacodylic acid Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
U137 Indeno(1,2,3-cd)pyrene Indeno(1,2,3-cd)pyrene	193-39-5	0.0055	3.4
U138 Iodomethane Iodomethane	74-88-4	0.19	65
U140 Isobutyl alcohol Isobutyl alcohol	78-83-1	5.6	70
U141 Isosafrole Isosafrole	120-58-1	0.081	2.6
U142 Kepone Kepone	143-50-8	0.0011	0.13
U143 Lasiocarpine Lasiocarpine	303-34-4	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN

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U144	Lead acetate	Lead	7439-92-1	0.69	0.37 mg/l TCLP
U145	Lead phosphate	Lead	7439-92-1	0.69	0.37 mg/l TCLP
U146	Lead subacetate	Lead	7439-92-1	0.69	0.37 mg/l TCLP
U147	Maleic anhydride	Maleic anhydride	108-31-6	(WETOX or CHOXD) fb CARBN; or INCIN	CMBST
U148	Maleic hydrazide	Maleic hydrazide	23-33-1	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN
U149	Malononitrile	Malononitrile	109-77-3	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN
U150	Melphalan	Melphalan	48-82-3	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN
U151	(mercury) nonwastewaters that contain greater than or equal to 260 mg/kg total mercury.	Total mercury.	7439-97-6	NA	RMERC
U151	(mercury) nonwastewaters that contain less than 260 mg/kg total mercury and that are residues from RMERC only.				

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Mercury	7439-97-6	NA	0.20 mg/l TCLP
U151	(mercury) nonwastewaters that contain less than 260 mg/kg total mercury and that are not residues from RMERC only.		
Mercury	7439-97-6	NA	0.025 mg/l TCLP
U151	All U151 (mercury) wastewater.		
Mercury	7439-97-6	0.15	NA
U151	Element Mercury Contaminated with Radioactive Materials		
Mercury	7439-97-6	NA	RMELGM
U152	Methacrylonitrile		
Methacrylonitrile	226-98-7	0.24	34
U153	Methanethiol		
Methanethiol	74-93-1	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN
U154	Methanol		
Methanol	67-56-1	(WETOX or CHOXD) fb CARBN; or INCIN	CMBST
Methanol; alternate(6) set of standards for both wastewaters and nonwastewaters	67-56-1	5.6	0.75 mg/l TCLP
U155	Methapyrilene		
Methapyrilene	21-80-5	0.081	0.5
U156	Methyl chlorocarbonate		
Methyl chlorocarbonate	79-22-1	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN

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Pentachloroethane: 76-01-7 0.055 5.0

alternate(6) standards for
both wastewaters and
nonwastewaters

U185

Pentachloronitrobenzene

Pentachloronitrobenzene 32-68-8 0.055 1.8

U186

1,3-Pentadiene

1,3-Pentadiene 504-60-9 (WETOX or

CHOXD) fb

CARBN; or

INCIN CMBST

U187

Phenacetin

Phenacetin 62-44-2 0.081 1.6

U188

Phenol

Phenol 108-95-2 0.039 5.2

U189

Phosphorus sulfide

Phosphorus sulfide 1314-80-3 CHOXD; CHRED;

or INCIN

U190

Phthalic anhydride

Phthalic anhydride 100-21-0 0.055 28

(measured as Phthalic

acid or Terephthalic

acid)

Phthalic anhydride 85-44-9 0.055 28

U191

2-Picoline

2-Picoline 109-06-8 (WETOX or

CHOXD) fb

CARBN; or

INCIN INCIN

U192

Pronamide

Pronamide 23950-58-5 0.093 1.5

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N-Nitroso-N-ethylurea 59-73-9 (WETOX or

CHOXD) fb

CARBN; or

INCIN INCIN

U177

N-Nitroso-N-methylurea

N-Nitroso-N-methylurea 684-93-5 (WETOX or

CHOXD) fb

CARBN; or

INCIN INCIN

U178

N-Nitroso-N-methylurethane

N-Nitroso-N-methyl-

urethane 615-53-2 (WETOX or

CHOXD) fb

CARBN; or

INCIN INCIN

U179

N-Nitrosopiperidine

N-Nitrosopiperidine 100-75-4 0.013 35

U180

N-Nitrosopyrrolidine

N-Nitrosopyrrolidine 930-55-2 0.013 35

U181

5-Nitro-o-toluidine

5-Nitro-o-toluidine 99-55-8 0.32 28

U182

Paraldehyde

Paraldehyde 23-63-7 CMBST

U183

Pentachlorobenzene

Pentachlorobenzene 608-93-5 0.055 10

U184

Pentachloroethane

Pentachloroethane 76-01-7 (WETOX or

CHOXD) fb

CARBN; or

INCIN INCIN

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UL93
1,3-Propane sultone
1,3-Propane sultone

INCIN
(WETOX or
CHOXD) fb
CARBN; or
INCIN

1120-71-4

INCIN

J194
n-Propylamine
n-Propylamine

(WETOX or
CHOXD) fb
CARBN; or
INCIN

107-10-8

INCIN

UL96
pyridine
pyridine

0.014

110-86-1

16

JL97
c-Benzoquinone
c-Benzoquinone

(WETOX or
CHOXD) fb
CARBN; or
INCIN

106-51-4

CMBST

J200
Reserpine
Reserpine

(WETOX or
CHOXD) fb
CARBN; or
INCIN

50-55-5

INCIN

U201
Resorcinol
Resorcinol

(WETOX or
CHOXD) fb
CARBN; or
INCIN

108-46-3

CMBST

J202
Saccharin and salts
Saccharin

(WETOX or
CHOXD) fb
CARBN; or
INCIN

81-07-2

INCIN

J203
Safrole

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<u>Safole</u>	<u>34-59-7</u>	<u>0.081</u>	<u>22</u>
<u>1204</u>			
<u>Selenium dioxide</u>			
<u>Selenium</u>	<u>7782-49-2</u>	<u>0.82</u>	<u>0.16 mg/l TCLP</u>
<u>1205</u>			
<u>Selenium sulfide</u>			
<u>Selenium</u>	<u>7782-49-2</u>	<u>0.82</u>	<u>0.16 mg/l TCLP</u>
<u>1206</u>			
<u>Streptozotocin</u>	<u>18883-66-1</u>	<u>(WETOX of</u>	<u>INCIN</u>
<u>Streptozotocin</u>			

J207
1,2,4,5-Tetrachlorobenzene
1,2,4,5-Tetrachloro-
benzene 25-94-3

1208	
1,1,1,2-Tetrachloroethane	
1,1,1,2-Tetrachloroethane	0.057
ethane	5.0

1209		
	<u>1,1,1,2,2-Tetrachloroethane</u>	
	1,1,2,2-Tetrachloro-	79-34-5
	ethane	<u>0.057</u>
		<u>6.0</u>

7210		
Tetrachloroethylene		
<u>tetrachloroethylene</u>	127-18-4	0.056
		6.0

4211	
Carbon tetrachloride	
Carbon tetrachloride	56-23-5
	0.057
	6.0

1213 Tetrahydrofuran
Tetrahydrofuran 109-99-9

(WETOX OF	CMBST
CHOXD) fb	
CAREN; OF	
-NCIN	

J214

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NOTICE OF ADOPTED AMENDMENTS

Thallium (I) acetate
Thallium (measured in
wastewaters only)

7440-28-0 1.4

RTHRM; or
STABL

U215

Thallium (I) carbonate
Thallium (measured in
wastewaters only)

7440-28-0 1.4

RTHRM; or
STABL

U216

Thallium (I) chloride
Thallium (measured in
wastewaters only)

7440-28-0 1.4

RTHRM; or
STABL

U217

Thallium (I) nitrate
Thallium (measured in
wastewaters only)

7440-28-0 1.4

RTHRM; or
STABL

U218

Thioacetamide
Thiourea

62-55-5

(WETOX or
CHOXD) fb
CARBN; or
INCIN

INCIN

U219

Thiourea
Thiourea

62-56-6

(WETOX or
CHOXD) fb
CARBN; or
INCIN

INCIN

U220

Toluene
Toluene

108-88-3

0.080

10

U221

Toluenediamine
Toluenediamine

25376-45-8

CARBN; or
INCIN

CMBST

U222

o-Toluidine hydrochloride
o-Toluidine hydro-
chloride

636-21-5

(WETOX or
CHOXD) fb
CARBN; or
INCIN

INCIN

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U223

Toluene diisocyanate
Toluene diisocyanate

26471-62-5

CARBN; or
INCIN

CMBST

U225

Bromoform (Tribromomethane)
Bromoform (Tribromo-
methane)

75-25-2

0.63

15

U226

1,1,1-Trichloroethane
1,1,1-Trichloroethane

71-55-6

0.054

5.0

U227

1,1,2-Trichloroethane
1,1,2-Trichloroethane

79-00-5

0.054

5.0

U228

Trichloroethylene
Trichloroethylene

79-01-6

0.054

6.0

U234

1,3,5-Trinitrobenzene
1,3,5-Trinitrobenzene

99-35-4

(WETOX or
CHOXD) fb
CARBN; or
INCIN

INCIN

U235

tris-(2,3-Dibromopropyl)-phosphate
tris-(2,3-Dibromo-
propyl)-phosphate

0.11

0.10

U236

Trypan Blue
Trypan Blue

72-57-1

(WETOX or
CHOXD) fb
CARBN; or
INCIN

INCIN

U237

Uracil mustard
Uracil mustard

66-75-1

(WETOX or
CHOXD) fb
CARBN; or
INCIN

INCIN

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U238	Urethane (Ethyl carbamate)	51-79-6	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN
U239	Xylenes	1330-20-7	0.32	30
	Xylenes-mixed isomers (sum of o-, m-, and p- xylene concentrations)			
U240	2,4-D (2,4-Dichlorophenoxyacetic acid)	24-75-7	0.72	10
	2,4-D (2,4-Dichloro- phenoxyacetic acid)	NA	(WETOX or CARBN; or CHOXD) fb INCIN	INCIN
U243	Hexachloropropylene	1888-71-7	0.035	30
U244	Thiram	137-26-8	(WETOX or CHOXD) fb CARBN; or INCIN	INCIN
U246	Cyanogen bromide	506-68-3	CHOXD; WETOX; or INCIN	CHOXD; WETOX; or INCIN
U247	Methoxychlor	72-43-5	0.25	0.18
U248	Warfarin, & salts, when present at concentrations of 0.3% or less	81-81-2	(WETOX or CHOXD) fb CARBN; or INCIN	CMBST

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U249	Zinc phosphide, Zn(3)P(2), when present at concentrations of 10% or less	1314-84-7	CHOXD; CHRED; or INCIN	CHOXD; CHRED; or INCIN
U328	O-Toluidine	95-53-4	INCIN; or CHOXD fb (BIODG or CARBN); or BIODG fb CARBN	INCIN; or Thermal Destruction
U353	p-Toluidine	1-6-49-0	INCIN; or CHOXD fb (BIODG or CARBN); or BIODG fb CARBN	INCIN; or Thermal Destruction
U359	2-Ethoxyethanol	110-90-5	INCIN; or CHOXD fb BIODG or CARBN); or BIODG fb CARBN	CMBST

Notes:

- The waste descriptions provided in this table do not replace waste descriptions in 35 Ill. Adm. Code 721. Descriptions of Treatment or Regulatory Subcategories are provided, as needed, to distinguish between applicability of different standards.
- CAS means Chemical Abstract Services. When the waste code or regulated constituents are described as a combination of a chemical with its salts or esters, the CAS number is given for the parent compound only.
- Concentration standards for wastewaters are expressed in mg/l are based on analysis of composite samples.
- All treatment standards expressed as a Technology Code or combination of Technology Codes are explained in detail in 35 Ill. Adm. Code 728. Table C, "Technology Codes and Description of Technology-Based Standards". "fb" inserted between waste codes denotes "followed by", so that the first-listed treatment is followed by the second-listed treatment. ";"

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Section 728. TABLE U Universal Treatment Standards (UTS)

Regulated Constituent- Common Name	CAS(1), No.	Wastewater Standard (in mg/kg(3) unless noted as "mg/l TCLP")	Nonwastewater Standard Concentration (in mg/kg(3) unless noted as "mg/l TCLP")
Acenaphthylene	208-96-8	0.059	3.4
Acenaphthene	83-32-9	0.059	3.4
Acetone	57-64-1	0.28	160
Acetonitrile	75-05-8	5.6	1.8
Acetophenone	96-86-2	0.010	2.7
2-Acetylaminofluorene	53-96-3	0.059	140
Acrolein	107-02-8	0.29	NA
Acrylamide	79-06-1	19	23
Acrylonitrile	107-13-1	0.24	84
Aldrin	309-00-2	0.021	0.066
4-Aminobiphenyl	22-67-1	0.13	NA
Aniline	62-53-3	0.81	14
Anthracene	120-12-7	0.059	3.4
Aramite	140-57-8	0.36	NA
alpha-BHC	319-84-6	0.00014	0.066
beta-BHC	319-85-7	0.00014	0.066
bis(2-Chloro- ethoxy)methane	111-91-1	0.036	7.2
bis(2-Chloroethyl) ether	111-44-4	0.033	6.0
Chloroform	67-66-3	0.046	6.0

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separates alternative treatment schemes.

5 Except for Metals (EP or TCLP) and Cyanides (Total and Amenable) the nonwastewater treatment standards expressed as a concentration were established, in part, based upon incineration in units operated in accordance with the technical requirements of 35 Ill. Adm. Code 724.Subpart O or 35 Ill. Adm. Code 725.Subpart O, or based upon combustion in fuel substitution units operating in accordance with applicable technical requirements. A facility may comply with these treatment standards according to provisions in 35 Ill. Adm. Code 728.140(d). All concentration standards for nonwastewaters are based on analysis of grab samples.

6 Where an alternate treatment standard or set of alternate standards has been indicated, a facility may comply with this alternate standard, but only for the Treatment or Regulatory Subcategory or physical form (i.e., wastewater and/or nonwastewater) specified for that alternate standard.

7 Both Cyanides (Total) and Cyanides (Amenable) for nonwastewaters are to be analyzed using Method 9010 or 9012, found in "Test Methods for Evaluating Solid Waste, Physical or Chemical Methods", U.S. EPA Publication SW-846, as incorporated by reference in 35 Ill. Adm. Code 720.111, with a sample size of 10 grams and a distillation time of one hour and 15 minutes.

NA means not applicable.

(Source: JUN 27 1995 19 Ill. Reg. 9660, effective _____)

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bis(2-Chloro-isopropyl)ether	108-60-1	0.055	7.2
p-Chloro-m-cresol	59-50-7	0.018	14
2-Chloroethyl vinyl ether	110-75-8	0.062	NA
Chloromethane (Methyl chloride)	74-87-3	0.19	30
2-Chloronaphthalene	91-58-7	0.055	5.6
2-Chlorophenol	95-57-8	0.044	5.7
3-Chloropropylene	107-05-1	0.036	30
Chrysene	218-01-9	0.059	3.4
p-Cresol	95-48-7	0.11	5.6
m-Cresol (difficult to distinguish from p-cresol)	108-39-4	0.77	5.6
p-Cresol (difficult to distinguish from m-cresol)	106-44-5	0.77	5.6
Cyclohexanone	108-94-1	0.36	0.75mg/l TCLP
1,2-Dibromo-3-chloropropane	26-12-8	0.11	15
Ethylene dibromide 1,2-Dibromoethane)	106-93-4	0.028	15
Dibromomethane	74-95-3	0.11	15
2,4-D (2,4-Dichlorophenoxyacetic acid)	94-75-7	0.72	10
p,p'-DDD	53-19-0	0.023	0.087
p,p'-DDD	72-54-8	0.023	0.087
p,p'-DDE	3424-82-6	0.031	0.087

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p,p'-DDE	72-55-9	0.031	0.087
o,p'-DDT	789-02-6	0.0039	0.087
p,p'-DDT	50-29-3	0.0039	0.087
Dibenz(a,h)anthracene	53-70-3	0.055	8.2
Dibenz(a,e)pyrene	192-65-4	0.061	NA
m-Dichlorobenzene	541-73-1	0.036	6.0
o-Dichlorobenzene	95-50-91	0.088	6.0
p-Dichlorobenzene	106-46-7	0.090	6.0
Dichlorodifluoromethane	75-71-8	0.23	7.2
1,1-Dichloroethane	75-34-3	0.059	6.0
1,2-Dichloroethane	107-06-2	0.21	6.0
1,1-Dichloroethylene	75-35-4	0.025	6.0
trans-1,2-Dichloroethylene	156-60-5	0.054	30
2,4-Dichlorophenol	120-83-2	0.044	14
2,6-Dichlorophenol	97-65-0	0.044	14
1,2-Dichloropropane	78-87-5	0.85	18
cis-1,3-Dichloropropylene	20061-01-5	0.036	18
trans-1,3-Dichloropropylene	10061-02-6	0.036	18
Dieldrin	60-57-1	0.017	0.13
Diethyl phthalate	84-66-2	0.20	28
2,4-Dimethyl phenol	105-67-9	0.036	14
Dimethyl phthalate	131-11-3	0.047	28
Di-n-butyl phthalate	84-74-2	0.057	28

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<u>1,4-Dinitrobenzene</u>	<u>100-25-4</u>	<u>0.32</u>	<u>2.3</u>	<u>Ethyl ether</u>	<u>60-29-7</u>	<u>0.12</u>	<u>160</u>
<u>4,6-Dinitro-o-cresol</u>	<u>534-52-1</u>	<u>0.28</u>	<u>160</u>	<u>bis(2-Ethylhexyl)</u>	<u>117-91-7</u>	<u>0.28</u>	<u>28</u>
<u>2,4-Dinitrophenol</u>	<u>51-28-5</u>	<u>0.12</u>	<u>160</u>	<u>anthalate</u>			
<u>2,4-Dinitrotoluene</u>	<u>121-14-2</u>	<u>0.32</u>	<u>140</u>	<u>Ethyl methacrylate</u>	<u>97-63-2</u>	<u>0.14</u>	<u>160</u>
<u>2,6-Dinitrotoluene</u>	<u>686-20-2</u>	<u>0.55</u>	<u>28</u>	<u>Ethylene oxide</u>	<u>75-21-8</u>	<u>0.12</u>	<u>NA</u>
<u>Di-n-octyl phthalate</u>	<u>117-84-0</u>	<u>0.017</u>	<u>28</u>	<u>Famphur</u>	<u>52-85-7</u>	<u>0.017</u>	<u>15</u>
<u>2-Dimethylaminoazo-</u>	<u>50-11-7</u>	<u>0.43</u>	<u>NA</u>	<u>Fluoranthene</u>	<u>206-44-0</u>	<u>0.068</u>	<u>3.4</u>
<u>benzene</u>				<u>Fluorene</u>	<u>36-73-7</u>	<u>0.059</u>	<u>3.4</u>
<u>Di-n-propylnitrosamine</u>	<u>521-64-7</u>	<u>0.40</u>	<u>14</u>	<u>Heptachlor</u>	<u>76-44-8</u>	<u>0.0012</u>	<u>0.066</u>
<u>1,4-Dioxane</u>	<u>223-91-1</u>	<u>NA</u>	<u>170</u>	<u>Heptachlor epoxide</u>	<u>1024-57-3</u>	<u>0.016</u>	<u>0.066</u>
<u>Diphenylamine (difficult</u>	<u>122-39-4</u>	<u>0.32</u>	<u>13</u>	<u>Hexachlorobenzene</u>	<u>118-74-1</u>	<u>0.055</u>	<u>10</u>
<u>to distinguish from</u>				<u>Hexachlorobutadiene</u>	<u>37-68-3</u>	<u>0.055</u>	<u>5.6</u>
<u>diphenylnitrosamine)</u>				<u>Hexachloro-</u>	<u>77-47-4</u>	<u>0.057</u>	<u>2.4</u>
<u>Diphenylnitrosamine</u>	<u>86-30-6</u>	<u>0.92</u>	<u>13</u>	<u>cyclopentadiene</u>			
<u>(difficult to</u>				<u>HxCDDs (All Hexachloro-</u>	<u>NA</u>	<u>0.000063</u>	<u>0.001</u>
<u>distinguish from</u>				<u>dibenzo-p-dioxins)</u>			
<u>diphenylamine)</u>				<u>HxCDFs (All Hexachloro-</u>	<u>NA</u>	<u>0.000063</u>	<u>0.001</u>
<u>1,2-Diphenylhydrazine</u>	<u>122-66-7</u>	<u>0.087</u>	<u>NA</u>	<u>dibenzofurans)</u>			
<u>Disulfoton</u>	<u>298-04-4</u>	<u>0.017</u>	<u>6.2</u>	<u>Hexachloroethane</u>	<u>67-72-1</u>	<u>0.055</u>	<u>30</u>
<u>Endosulfan I</u>	<u>939-98-8</u>	<u>0.023</u>	<u>0.066</u>	<u>Hexachloropropylene</u>	<u>1988-71-7</u>	<u>0.035</u>	<u>30</u>
<u>Endosulfan II</u>	<u>33213-6-5</u>	<u>0.029</u>	<u>0.13</u>	<u>Indeno (1,2,3-c,d)</u>	<u>193-39-5</u>	<u>0.0055</u>	<u>3.4</u>
<u>Endosulfan Sulfate</u>	<u>1-31-07-8</u>	<u>0.029</u>	<u>0.13</u>	<u>pyrene</u>			
<u>Endrin</u>	<u>72-20-8</u>	<u>0.0028</u>	<u>0.13</u>	<u>Iodomethane</u>	<u>74-88-4</u>	<u>0.19</u>	<u>65</u>
<u>Endrin aldehyde</u>	<u>7421-93-4</u>	<u>0.025</u>	<u>0.13</u>	<u>Isobutyl alcohol</u>	<u>78-83-1</u>	<u>5.6</u>	<u>170</u>
<u>Ethyl acetate</u>	<u>141-78-6</u>	<u>0.34</u>	<u>33</u>	<u>Isodrin</u>	<u>465-73-6</u>	<u>0.021</u>	<u>0.066</u>
<u>Ethyl cyanide</u>	<u>107-12-0</u>	<u>0.24</u>	<u>360</u>	<u>Isosafrole</u>	<u>120-58-1</u>	<u>0.081</u>	<u>2.6</u>
<u>(Propanenitrile)</u>				<u>Kepone</u>	<u>143-50-8</u>	<u>0.0011</u>	<u>0.13</u>
<u>Ethyl benzene</u>	<u>100-41-4</u>	<u>0.057</u>	<u>10</u>				

POLLUTION CONTROL BOARD

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<u>Methacrylonitrile</u>	<u>126-98-7</u>	<u>0.24</u>	<u>84</u>
<u>Methanol</u>	<u>67-56-1</u>	<u>5.6</u>	<u>0.75 mg/l TCLP</u>
<u>Methapyrilene</u>	<u>91-80-5</u>	<u>0.081</u>	<u>1.5</u>
<u>Methoxychlor</u>	<u>72-43-5</u>	<u>0.25</u>	<u>0.18</u>
<u>3-Methylcholanthrene</u>	<u>56-49-5</u>	<u>0.0055</u>	<u>15</u>
<u>4,4-Methylene bis(2-chloroaniline)</u>	<u>101-14-4</u>	<u>0.50</u>	<u>30</u>
<u>Methylene chloride</u>	<u>75-09-2</u>	<u>0.089</u>	<u>30</u>
<u>Methyl ethyl ketone</u>	<u>78-93-3</u>	<u>0.28</u>	<u>36</u>
<u>Methyl isobutyl ketone</u>	<u>108-10-1</u>	<u>0.14</u>	<u>13</u>
<u>Methyl methacrylate</u>	<u>80-62-6</u>	<u>0.14</u>	<u>160</u>
<u>Methyl methanesulfonate</u>	<u>66-27-3</u>	<u>0.018</u>	<u>NA</u>
<u>Methyl parathion</u>	<u>298-00-0</u>	<u>0.014</u>	<u>4.6</u>
<u>Naphthalene</u>	<u>91-20-3</u>	<u>0.059</u>	<u>5.6</u>
<u>2-Naphthylamine</u>	<u>91-59-8</u>	<u>0.52</u>	<u>NA</u>
<u>o-Nitroaniline</u>	<u>88-74-4</u>	<u>0.27</u>	<u>14</u>
<u>p-Nitroaniline</u>	<u>100-01-6</u>	<u>0.028</u>	<u>28</u>
<u>Nitrobenzene</u>	<u>28-95-3</u>	<u>0.068</u>	<u>14</u>
<u>5-Nitro-o-toluidine</u>	<u>99-55-8</u>	<u>0.32</u>	<u>28</u>
<u>o-Nitrophenol</u>	<u>88-75-5</u>	<u>0.028</u>	<u>13</u>
<u>p-Nitrophenol</u>	<u>100-02-7</u>	<u>0.12</u>	<u>29</u>
<u>N-Nitrosodiethylamine</u>	<u>55-18-5</u>	<u>0.40</u>	<u>28</u>
<u>N-Nitrosodimethylamine</u>	<u>62-75-9</u>	<u>0.40</u>	<u>2.3</u>
<u>N-Nitroso-di-n-butyl-amine</u>	<u>924-16-3</u>	<u>0.40</u>	<u>14</u>

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<u>N-Nitrosomethylethyl-amine</u>	<u>10595-95-6</u>	<u>0.40</u>	<u>2.3</u>
<u>N-Nitrosomorpholine</u>	<u>59-89-2</u>	<u>0.40</u>	<u>2.3</u>
<u>N-Nitrosopiperidine</u>	<u>100-75-4</u>	<u>0.013</u>	<u>35</u>
<u>N-Nitrosopyrrolidine</u>	<u>930-55-2</u>	<u>0.013</u>	<u>35</u>
<u>Parathion</u>	<u>56-38-2</u>	<u>0.014</u>	<u>4.6</u>
<u>Total PCBs (sum of all PCB isomers, or all Aroclors)</u>	<u>1336-36-3</u>	<u>0.10</u>	<u>10</u>
<u>Pentachlorobenzene</u>	<u>508-93-5</u>	<u>0.055</u>	<u>10</u>
<u>PeCDDs (All Pentachloro-dibenzo-p-dioxins)</u>	<u>NA</u>	<u>0.000063</u>	<u>0.001</u>
<u>PeCDFs (All Pentachloro-dibenzofurans)</u>	<u>NA</u>	<u>0.000035</u>	<u>0.001</u>
<u>Pentachloroethane</u>	<u>76-01-7</u>	<u>0.055</u>	<u>5.0</u>
<u>Pentachloronitrobenzene</u>	<u>92-68-8</u>	<u>0.055</u>	<u>4.8</u>
<u>Pentachlorophenol</u>	<u>87-86-5</u>	<u>0.089</u>	<u>7.4</u>
<u>Phenacetin</u>	<u>62-44-2</u>	<u>0.081</u>	<u>16</u>
<u>Phenanthrene</u>	<u>85-01-8</u>	<u>0.059</u>	<u>5.6</u>
<u>Phenol</u>	<u>108-95-2</u>	<u>0.039</u>	<u>6.2</u>
<u>Phorate</u>	<u>298-02-2</u>	<u>0.021</u>	<u>4.6</u>
<u>Phthalic acid</u>	<u>100-21-0</u>	<u>0.055</u>	<u>28</u>
<u>Phthalic anhydride</u>	<u>95-44-9</u>	<u>0.055</u>	<u>28</u>
<u>Pronamide</u>	<u>23950-58-5</u>	<u>0.093</u>	<u>1.5</u>
<u>Pyrene</u>	<u>129-00-0</u>	<u>0.067</u>	<u>8.2</u>
<u>Pyridine</u>	<u>110-86-1</u>	<u>0.014</u>	<u>16</u>
<u>Safrole</u>	<u>94-59-7</u>	<u>0.081</u>	<u>22</u>

POLLUTION CONTROL BOARD
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Silvex (2,4,5-TP)	33-72-1	0.72	7.2
2,4,5-T (2,4,5-Trichloro- phenoxacetic acid)	33-76-5	0.72	7.2
2,2,4,5-Tetrachloro- benzene	35-94-3	0.055	14
TCDDs (All Tetrachloro- dibenzo-p-dioxins)	NA	0.000063	0.001
TCDFs (All Tetrachloro- dibenzofurans)	NA	0.000063	0.001
2,2,1,2-Tetrachloro- ethane	530-20-6	0.057	6.0
2,2,2,2-Tetrachloro- ethane	79-34-6	0.057	6.0
Tetrachloroethylene	127-18-4	0.056	6.0
2,3,4,6-Tetrachloro- phenol	58-90-2	0.030	7.4
Toluene	108-88-3	0.080	10
Toxaphene	3001-35-2	0.0095	2.6
Bromoform (Tribromo- methane)	75-25-2	0.63	15
1,2,4-Trichlorobenzene	120-82-1	0.055	19
1,1,1-Trichloroethane	71-55-6	0.054	6.0
1,1,2-Trichloroethane	79-00-5	0.054	6.0
Trichloroethylene	79-01-6	0.054	6.0
Trichloromonofluoro- methane	75-69-4	0.020	30
2,4,5-Trichlorophenol	95-95-4	0.18	7.4
2,4,6-Trichlorophenol	88-06-2	0.035	7.4

POLLUTION CONTROL BOARD
NOTICE OF ADOPTED AMENDMENTS

1,2,3-Trichloropropane	96-18-4	0.85	30
1,1,2-Trichloro-1,2,2- trifluoroethane	76-13-1	0.057	30
tris-(2,3-Dibromopropyl) phosphate	126-72-7	0.11	1.10
Vinyl chloride	75-01-4	0.27	6.0
Xylenes-mixed isomers sum of o-, m-, and p- xylene concentrations)	1330-20-7	0.32	30
Antimony	7440-36-0	1.9	2.1 mg/l TCLP
Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
Barium	7440-39-3	1.2	7.6 mg/l TCLP
Beryllium	7440-41-7	0.82	0.014 mg/l TCLP
Cadmium	7440-43-9	0.69	0.19 mg/l TCLP
Chromium (Total)	7440-47-3	2.77	0.86 mg/l TCLP
Cyanides (Total)(4)	57-12-5	1.2	590
Cyanides (Amenable)(4)	57-12-5	0.86	30
Fluoride	16964-48-8	35	NA
Lead	7439-92-1	0.69	0.37 mg/l TCLP
Mercury-Nonwastewater from Retort	7439-97-6	NA	0.20 mg/l TCLP
Mercury-All Others	7439-97-6	0.15	0.025 mg/l TCLP
Nickel	7440-02-0	3.98	5.0 mg/l TCLP
Selenium	7782-49-2	0.82	0.16 mg/l TCLP
Silver	7440-22-4	0.43	0.30 mg/l TCLP
Sulfide	8496-25-8	14	NA
Thallium	7440-28-0	1.4	0.078 mg/l TCLP

POLLUTION CONTROL BOARD
NOTICE OF ADOPTED AMENDMENTS

Vanadium(5) 7440-62-2 4.3 0.23 mg/l TCLP
Zinc(5) 7440-66-6 2.61 5.3 mg/l TCLP

1) CAS means Chemical Abstract Services. When the waste code or regulated constituents are described as a combination of a chemical with its salts or esters, the CAS number is given for the parent compound only.

2) Concentration standards for wastewaters are expressed in mg/l are based on analysis of composite samples.

3) Except for metals (EP or TCLP) and cyanides (total and amenable), the nonwastewater treatment standards expressed as a concentration were established, in part, based on incineration in units operated in accordance with the technical requirements of 35 Ill. Adm. Code 724.Subpart 0 or 35 Ill. Adm. Code 725.Subpart 0 or on combustion in fuel substitution units operating in accordance with applicable technical requirements. A facility may comply with these treatment standards according to provisions in 40 CFR 268.40(d). All concentration standards for nonwastewaters are based on analysis of grab samples.

4) Both Cyanides (Total) and Cyanides (Amenable) for nonwastewaters are to be analyzed using Method 9010 or 9012, found in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", U.S. EPA Publication SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111, with a sample size of 10 grams and a distillation time of one hour and 15 minutes.

5) Vanadium and zinc are not "underlying hazardous constituents" in characteristic wastes, according to the definition at Section 728.102(i).

Note: NA means not applicable.

(Source: Added at 19 Ill. Reg. 9660, effective JUN 27 1995)

POLLUTION CONTROL BOARD
NOTICE OF ADOPTED REPEAL

1) Heading of the Part: Outline of Waste Disposal Regulations
2) Code citation: 35 Ill. Adm. Code 700
3) Section numbers: Adopted action:
700.106 Repealed

4) Statutory authority: 415 ILCS 5/13(c), 22.4 and 27.

5) Effective date of repeal: June 27, 1995

6) Does this rulemaking contain an automatic repeal date?: No

7) Does this repeal contain incorporations by reference? No

8) Date filed in Board's principal office: Opinion and order adopted June 1, 1995 and supplemental opinion and order adopted June 15, 1995.

9) Notice of proposal published in Illinois Register:

March 24, 1995, 19 Ill. Reg. 4163

10) Has JCAR issued a Statement of Objections to these rules? No

Sections 13(c) and 22.4(a) of the Environmental Protection Act [415 ILCS 5/13(c) & 22.4(a)] provide that Section 5 of the Administrative Procedure Act [5 ILCS 100/5-35 and 5-40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

11) Differences between proposal and final version: None

12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreement letter issued by JCAR?

Sections 13(c) and 22.4(a) of the Environmental Protection Act provide that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

13) Will this repeal replace an emergency repeal currently in effect? No

14) Are there any other amendments pending on this Part? No

15) Summary and purpose of repeal:

A more detailed description is contained in the Board's opinion and order

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED REPEAL

of June 1, 1995 and supplemental opinion and order of June 15, 1995 in R95-4/R95-6, which opinion and order and supplemental opinion and order are available from the address below. Sections 13(c) and 22.4 of the Environmental Protection Act provide that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by JCAR.

This rulemaking updates the Board's RCRA Subtitle C and UIC rules to correspond with amendments adopted by U.S. EPA that appeared in the Federal Register during the period July 1 through December 31, 1994 and January 3 and May 19, 1995. Specifically, the repeal of Part 700 was made possible by replacing all references throughout the Illinois RCRA Subtitle C and UIC regulations to Section 700.106, which formerly set forth the effective date of various provisions based on dates of federal authorizations. Since those authorizations have all been granted, the cross-references to that Section were no longer necessary.

16) Information and questions regarding this adopted repeal shall be directed to:

Michael J. McCambridge
Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60610
312-814-6924

Request copies of the Board's opinion and order of June 1, 1995 and supplemental opinion and order of June 15, 1995 from Victoria Agyeman, at 312-814-3620.

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED REPEAL

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER a: GENERAL PROVISIONS

PART 700

OUTLINE OF WASTE DISPOSAL REGULATIONS (REPEALED)

SUBPART A: GENERAL

Section
700.101
700.102
700.103
700.104
700.105
700.106
700.107
700.108
700.109

Applicability (Repealed)
Other Regulations (Repealed)
Organization (Repealed)
Intent and Purpose (Repealed)
Interim Status (Repealed)
Effective Dates (Repealed)
Severability (Repealed)
References to Federal Rules (Repealed)
Permits Prior to Authorization (Repealed)

SUBPART B: DEFINITIONS

Section
700.201
700.205
700.210
700.215
700.220
700.225
700.230
700.235
700.240
700.245
700.250
700.255
700.260
700.265

Definitions (Repealed)
Act (Repealed)
Chapter 7 Operating Requirements (Repealed)
Chapter 7 Permits (Repealed)
Chapter 9 Operating Requirements (Repealed)
Chapter 9 Permits (Repealed)
Conflict (Repealed)
HWM (Repealed)
Operating Requirements (Repealed)
Permit Requirements (Repealed)
RCRA Operating Requirements (Repealed)
RCRA Permit (Repealed)
RCRA Rules (Repealed)
Subject To (Repealed)

SUBPART C: GENERATORS

Section
700.301
700.302
700.303
700.304

Permits (Repealed)
Operating Requirements (Repealed)
Manifests (Repealed)
Small Quantity Exemptions (Repealed)

SUBPART D: TRANSPORTERS

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Procedures for Permit Issuance
- 2) Code citation: 35 Ill. Adm. Code 705
- 3) Section numbers: Adopted action:
705.128 Amended
- 4) Statutory authority: 415 ILCS 5/13(c), 22.4 and 27.
- 5) Effective date of amendments: June 27, 1995
- 6) Does this rulemaking contain an automatic repeal date? No.
- 7) Do these amendments contain incorporations by reference? No.
- 8) Date filed in Board's principal office: Opinion and order adopted June 1, 1995 and supplemental opinion and order adopted June 15, 1995.
- 9) Notice of proposal published in Illinois Register: March 24, 1995, 19 Ill. Reg. 4170
- 10) Has JCAR issued a Statement of Objections to these rules? No.

Sections 13(c) and 22.4(a) of the Environmental Protection Act [415 ILCS 5/13(c) & 22.4(a)] provide that Section 5 of the Administrative Procedure Act [5 ILCS 100/5-35 and 5-40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR. However, JCAR staff has reviewed the text of the amendments and recommended several minor revisions, as indicated in the table under question 11.

- 11) Differences between proposal and final version: The Board has made many revisions to the text of the amendments, most of which were in response to public comments. The revisions are tabulated in summary fashion below. The source of the revisions to each segment of the amendments is indicated by the notations, where A denotes the Illinois EPA (Agency), B denotes the Board, C denotes a commentator, J denotes JCAR, S denotes the Secretary of State, and U denotes U.S. EPA.

Section(Source) Board Action

705.128 Board Note(B) Update CFR cite

- 12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreement letter issued by JCAR? Sections 13(c) and 22.4(a) of the Environmental Protection Act provide that Section 5 of the

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.
- 13) Will these amendments replace an emergency amendment currently in effect? No.

- 14) Are there any other amendments pending on this Part? No.

- 15) Summary and purpose of amendments: A more detailed description is contained in the Board's opinion and order of June 1, 1995 and supplemental opinion and order of June 15, 1995 in R95-4/R95-6, which opinion and order and supplemental opinion and order are available from the address below. Sections 13(c) and 22.4 of the Environmental Protection Act provide that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by JCAR.

This rulemaking updates the Board's RCRA Subtitle C and UIC rules to correspond with amendments adopted by U.S. EPA that appeared in the Federal Register during the period July 1 through December 31, 1994 and January 3 and May 19, 1995. The USEPA actions during this period were as follows:

Federal Action	Summary
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59 Fed. Reg. 38536, July 28, 1994	Exclusion from definition of solid waste for certain in-process recycled secondary materials used by the petroleum refining industry
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59 Fed. Reg. 43496, August 24, 1994	Withdrawal of exemption from Subtitle C regulation of slag residues from high temperature metal recovery (HTMR) of electric arc furnace dust (K061), steel finishing pickle liquor (K062), and electroplating sludges (F006) that are used in a manner constituting disposal
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59 Fed. Reg. 47980, September 19, 1994	Restoration of text from 40 CFR 268.7(a) inadvertently omitted in the amendments of August 31, 1993, at 58 Fed. Reg. 46040
--	--

59 Fed. Reg. 47982, September 19, 1994	Phase II land disposal restrictions (LDRs): universal treatment standards for organic toxicity wastes and
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POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS'

newly-listed wastes (including
underground injection control (UIC)
amendments)

Organic material air emission standards
for tanks, surface impoundments, and
containers (Subpart CC rules)

59 Fed. Reg. 62896,
December 6, 1994

In addition to these principal amendments that occurred during the update
period, the Board included two additional, later actions:

60 Fed. Reg. 242, Corrections to the Phase II land disposal
January 3, 1995 restrictions (universal
standards)

60 Fed. Reg. 26828, May Delayed effective date for Subpart CC
19, 1995 rules

The January 3 action was an amendment of the September 19, 1994 Phase II
LDRs (universal waste rule). U.S. EPA corrected errors and clarified
language in the universal treatment standards. The Board did not delay in
adding these amendments for three reasons:

1) The January 3, 1995 amendments were corrections and clarifications of
the September 19, 1994 regulations, and not new substantive
amendments;

2) Prompt action on the January 3, 1995 amendments will facilitate
implementation of the Phase II LDRs; and

3) The Board received a request from the regulated community that we add
the January 3, 1995 amendments to those of September 19, 1994. (See
"Expedited Consideration" below.)

The Board also notes that the January 3 amendments occurred within six
months of the earliest amendments included in this docket, even if they
occurred outside the nominal time-frame of the docket. We included the
May 19 amendments because they solely directly affect the effective date
of principal amendments within this docket.

Specifically, the amendments to Part 705 were initiated to delete one of
the last remaining cross-references to 35 Ill. Adm. Code 700.106 (in the
Section source note) for an effective date. The Board used the
opportunity to make a number of minor corrections to clarify Section
705.128.

16) Information and questions regarding these adopted amendments shall be
directed to:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Michael J. McCambridge
Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60610
(312) 814-6924

Request copies of the Board's opinion and order of June 1, 1995 and
supplemental opinion and order of June 15, 1995 from Victoria Agyeman, at
312-814-3620.

The full text of the adopted amendments begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER b: PERMITS

PART 705

PROCEDURES FOR PERMIT ISSUANCE

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Completeness
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Decision Schedule
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Final Permit Decision
Stay upon Timely Application for Renewal
Stay for New Application or upon Untimely Application for Renewal
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Stay Following Interim Status
Agency Response to Comments
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APPENDIX A Procedures for Permit Issuance
APPENDIX B Modification Process
APPENDIX C Application Process
APPENDIX D Application Review Process
APPENDIX E Public Comment Process
APPENDIX F Permit Issuance or Denial

AUTHORITY: Implementing Sections 13 and 22.4 and authorized by Section 27 of the Environmental Protection Act (415 ILCS 5/13, 22.4 and 27).

SOURCE: Adopted in R81-32, 47 PCB 93, at 6 Ill. Reg. 12479, effective May 17, 1982; amended in R82-19, at 7 Ill. Reg. 14352, effective May 17, 1982; amended in R84-9, at 9 Ill. Reg. 11894, effective July 24, 1985; amended in R89-2 at 14 Ill. Reg. 3082, effective February 20, 1990; amended in R94-5 at 18 Ill. Reg. 18265, effective December 20, 1994; amended in R95-6 at 19 Ill. Reg. 9906, effective JUN 27 1995.

SUBPART B: PERMIT APPLICATIONS

Section 705.128 Modification of Permits

- a) The Agency may modify a permit permits may be modified either at the request of any interested person (including the permittee) or upon the Agency's its own initiative. However, the Agency may only modify a permits permit may only be modified for the reasons specified in 35 Ill. Adm. Code 704.261 through 704.263 or 35 Ill. Adm. Code 703.270 through 703.273. All A requests request for permit modification must be made in writing, must be addressed to the Agency (Division of Land Pollution Control), and shall contain facts or reasons supporting the request.
- b) If the Agency decides determines that the a request for modification is not justified, it shall send the requester a brief written response

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giving a reason for the ~~decision~~ determination. A ~~Denial~~ denial of a ~~request~~ request for modification ~~are~~ is not subject to public notice, comment, or public ~~hearings~~ hearing requirements. The requester may appeal a ~~Denial~~ denial of a request to modify a permit ~~may be appealed~~ to the Board pursuant to 35 Ill. Adm. Code 105.

c) Agency Modification Procedures

1) If the Agency tentatively decides to initiate steps to modify a permit under this ~~section~~ Section and 35 Ill. Adm. Code 704.261 through 704.263 or 35 Ill. Adm. Code 703.270 through 703.273, it ~~shall~~ after giving public notice pursuant to Section 705.161(a)(1), as though an application had been received ~~Section 705.161(a)(1)~~, it shall prepare a draft permit under ~~Section 705.161(a)(1)~~, incorporating the proposed changes. The Agency may request additional information and may require the submission of an updated permit application. For reissued permits, the Agency shall require the submission of a new application.

2) In a permit modification proceeding under this ~~section~~ Section, only those conditions to be modified shall be reopened when a new draft permit is prepared. During any modification proceeding, including any ~~appeals~~ appeal ~~to~~ to the Board, the permittee shall comply with all conditions of the ~~its~~ existing permit until a new final permit is reissued.

3) "Minor modifications", as defined in 35 Ill. Adm. Code 704.264, and "Class 1 and 2 modifications," as defined in 35 Ill. Adm. Code 703.281 and 703.282, are not subject to the requirements of this ~~section~~ Section. If the Agency makes a minor modification, the modified permit must be accompanied by a letter stating the reasons for the minor modification.

d) To the extent that the Agency has authority to terminate or reissue permits, ~~if it decides to do so~~ it must prepare a draft permit or notice of intent to deny in accordance with Section 705.141 if it decides to do so.

e) The Agency or any person may seek the revocation of a permit in accordance with Title VIII of the Environmental Protection Act and in accordance with the procedure of 35 Ill. Adm. Code 103. Revocation may only be sought ~~only~~ for those reasons specified in 35 Ill. Adm. Code 702.186(a) through (d).

BOARD NOTE: Derived from 40 CFR 124.5 (1988 1993) ~~7-amended-at-53-Ped-~~ Reg--379347-September-267-1988.

(Source: Amended at 19 Ill. Reg. 9906, effective JUN 27 1995)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: RCRA and UIC Permit Programs
- 2) Code citation: 35 Ill. Adm. Code 702
- 3) Section numbers: Adopted action:
702.181 Amended
- 4) Statutory authority: 415 ILCS 5/13(c), 22.4 and 27.
- 5) Effective date of amendments: June 27, 1995
- 6) Does this rulemaking contain an automatic repeal date?: "O"
- 7) Do these amendments contain incorporations by reference? No
- 8) Date filed in Board's principal office: Opinion and order adopted June 1, 1995 and supplemental opinion and order adopted June 15, 1995.
- 9) Notice of proposal published in Illinois Register:
March 24, 1995, 19 Ill. Reg. 4177
- 10) Has JCAR issued a Statement of Objections to these rules? No

Sections 13(c) and 22.4(a) of the Environmental Protection Act [415 ILCS 5/13(c) & 22.4(a)] provide that Section 5 of the Administrative Procedure Act [5 ILCS 100/5-35 and 5-40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR. However, JCAR staff has reviewed the text of the amendments and recommended several minor revisions, as indicated in the table under question 11.

11) Differences between proposal and final version:

The Board has made many revisions to the text of the amendments, most of which were in response to public comments. The revisions are tabulated in summary fashion below. The source of the revisions to each segment of the amendments is indicated by the notations, where A denotes the Illinois EPA (Agency), B denotes the Board, C denotes a commentator, J denotes JCAR, S denotes the Secretary of State, and U denotes U.S. EPA.

Section(Source) Board Action

702. Authority Note(J) Correct references to R82-19 & R87-39

702.181(a) Board Note(J) Add parentheses

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 702.181(c) Board Note(B) Update CFR cite
- 702.183(e)(J) Correct cross-reference to "724.953"
- 702.183(j)(J) Delete closing parentheses
- 702.183(s)(J,B) Correct ending punctuation, add "and"

- 12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreement letter issued by JCAR?

Sections 13(c) and 22.4(a) of the Environmental Protection Act provide that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

- 13) Will these amendments replace an emergency amendments currently in effect?
- No

- 14) Are there any other amendments pending on this Part? No

- 15) Summary and purpose of amendments:

A more detailed description is contained in the Board's opinion and order of June 1, 1995 and supplemental opinion and order of June 15, 1995 in R95-4/R95-6, which opinion and order and supplemental opinion and order are available from the address below. Sections 13(c) and 22.4 of the Environmental Protection Act provide that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by JCAR.

This rulemaking updates the Board's RCRA Subtitle C and UIC rules to correspond with amendments adopted by U.S. EPA that appeared in the Federal Register during the period July 1 through December 31, 1994 and January 3 and May 19, 1995. The USEPA actions during this period were as follows:

Federal Action

Summary

- 59 Fed. Reg. 38536, July 28, 1994 Exclusion from definition of solid waste for certain in-process recycled secondary materials used by the petroleum refining industry

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 59 Fed. Reg. 43496, August 24, 1994 Withdrawal of exemption from Subtitle C regulation of slag residues from high temperature metal recovery (HWMR) of electric arc furnace dust (K061), steel finishing pickle liquor (K062), and electroplating sludges (F006) that are used in a manner constituting disposal

- 59 Fed. Reg. 47980, September 19, 1994 Restoration of text from 40 CFR 268.7(a) inadvertently omitted in the amendments of August 31, 1993, at 58 Fed. Reg. 46040

- 59 Fed. Reg. 47982, September 19, 1994 Phase II land disposal restrictions (LDRs): universal treatment standards for organic toxicity wastes and newly-listed wastes including underground injection control (UIC) amendments)

- 59 Fed. Reg. 62896, December 6, 1994 Organic material air emission standards for tanks, surface impoundments, and containers (Subpart CC rules)

In addition to these principal amendments that occurred during the update period, the Board included two additional, later actions:

- 60 Fed. Reg. 242, January 3, 1995 Corrections to the Phase II land disposal restrictions (universal treatment standards)

- 60 Fed. Reg. 26828, May 19, 1995 Delayed effective date for Subpart CC rules

The January 3 action was an amendment of the September 19, 1994 Phase II LDRs (universal waste rule). U.S. EPA corrected errors and clarified language in the universal treatment standards. The Board did not delay in adding these amendments for three reasons:

- 1) The January 3, 1995 amendments were corrections and clarifications of the September 19, 1994 regulations, and not new substantive amendments;
- 2) Prompt action on the January 3, 1995 amendments will facilitate implementation of the Phase II LDRs; and
- 3) The Board received a request from the regulated community that we add the January 3, 1995 amendments to those of September 19, 1994. (See "Expedited Consideration" below.)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

The Board also notes that the January 3 amendments occurred within six months of the earliest amendments included in this docket, even if they occurred outside the nominal time-frame of the docket. We included the May 19 amendments because they solely directly affect the effective date of principal amendments within this docket.

Specifically, the amendments to Part 702 add a Board note to Section 702.181 explaining the differences between Illinois and federal law that precluded the Board from adopting a December 6, 1994 federal requirement. That federal requirement carved an additional exception from the general federal rule that compliance with the terms of a permit is a defense to a charge of violation. The new exception was for compliance with the new 40 CFR 264, subpart CC and 265, subpart CC air (35 Ill. Adm. Code 724.Subpart CC and 725.Subpart CC) emissions requirements, with which U.S. EPA required compliance notwithstanding any permit conditions. In Illinois, compliance with the terms of a permit does not constitute compliance with all Illinois hazardous waste laws.

16) Information and questions regarding this adopted amendments shall be directed to:

Michael J. McCambridge
Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60610
312-814-6924

Request copies of the Board's opinion and order of June 1, 1995 and supplemental opinion and order of June 15, 1995 from Victoria Agyeman, at 312-814-3620.

The full text of the adopted amendments begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER b: PERMITS

PART 702

RCRA AND UIC PERMIT PROGRAMS

SUBPART A: GENERAL PROVISIONS

Section
702.101
702.102
702.103
702.104
702.105
702.106
702.107
702.108
702.109
702.110

Purpose, Scope, and Applicability
Purpose and Scope(Repealed)
Confidentiality of Information Submitted to the Agency or Board
References
Rulemaking
Adoption of Agency Criteria
Permit Appeals and Review of Agency Determinations
Variances and Adjusted Standards
Enforcement Actions
Definitions

SUBPART B: PERMIT APPLICATIONS

Section
702.120
702.121
702.122
702.123
702.124
702.125
702.126

Permit Application
Who Applies
Completeness
Information Requirements
Recordkeeping
Continuation of Expiring Permits
Signatories to Permit Applications and Reports

SUBPART C: PERMIT CONDITIONS

Section
702.140
702.141
702.142
702.143
702.144
702.145
702.146
702.147
702.148
702.149
702.150
702.151

Conditions Applicable to all Permits
Duty to Comply
Duty to Reapply
Need to Halt or Reduce Activity Not a Defense
Duty to Mitigate
Proper Operation and Maintenance
Permit Actions
Property Rights
Duty to Provide Information
Inspection and Entry
Monitoring and Records
Signature Requirements

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- 702.152 Reporting Requirements
702.160 Establishing Permit Conditions
702.161 Duration of Permits
702.162 Schedules of Compliance
702.163 Alternative Schedules of Compliance
702.164 Recording and Reporting

SUBPART D: ISSUED PERMITS

- Section
702.181 Effect of a Permit
702.182 Transfer
702.183 Modification
702.184 Causes for Modification
702.185 Facility Siting
702.186 Revocation
702.187 Minor Modifications

AUTHORITY: Implementing Sections 13 and 22.4 and authorized by Section 27 of the Environmental Protection Act (415 ILCS 5/13, 22.4 and 27).

SOURCE: Adopted in R81-32, 47 PCB 93, at 6 Ill. Reg. 12479, effective May 17, 1982; amended in R82-19, at 53 PCB 131, 7 Ill. Reg. 14352, effective May 17, 1982; amended in R84-9 at 9 Ill. Reg. 11926, effective July 24, 1985; amended in R85-23 at 10 Ill. Reg. 13274, effective July 29, 1986; amended in R86-1 at 10 Ill. Reg. 14083, effective August 12, 1986; amended in R86-28 at 11 Ill. Reg. 6131, effective March 24, 1987; amended in R87-5 at 11 Ill. Reg. 19376, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2579, effective January 15, 1988; amended in R87-29 at 12 Ill. Reg. 6673, effective March 28, 1988; amended in R87-39 at 12 Ill. Reg. 13083, effective July 29, 1988; amended in R89-1 at 13 Ill. Reg. 18452, effective November 13, 1989; amended in R89-2 at 14 Ill. Reg. 3089, effective February 20, 1990; amended in R89-9 at 14 Ill. Reg. 6273, effective April 16, 1990; amended in R92-10 at 17 Ill. Reg. 5769, effective March 26, 1993; amended in R93-16 at 18 Ill. Reg. 6918, effective April 26, 1994; amended in R94-5 at 19 Ill. Reg. 18284, effective December 20, 1994; amended at 19 Ill. Reg. 9913, effective JUN 27 1995.

SUBPART D: ISSUED PERMITS

Section 702.181 Effect of a Permit

- a) The existence of a RCRA or UTC permit does not constitute a defense to a violation of the Environmental Protection Act or this Subtitle, except for development, modification, or operation without a permit. However, a permit may be modified, reissued, or revoked during its term for cause as set forth in 35 Ill. Adm. Code 703.270 through 703.273 (RCRA) or 35 Ill. Adm. Code 704.261 through 704.263 (UIC) and Section 702.186.

POLLUTION CONTROL BOARD
NOTICE OF ADOPTED AMENDMENTS

BOARD NOTE: 40 CFR 270.4(a) differs from this subsection (a) in two significant aspects: (1) it states that compliance with the permit is compliance with federal law, and (2) it enumerates exceptions when compliance with the permit can violate federal law. The exceptions are intervening (1) statutory requirements; (2) 40 CFR 268 land disposal restrictions; (3) 40 CFR 264 leak detection requirements; and (4) 40 CFR 266, subparts AA, BB, and CC air emissions limitations. By not codifying the federal exceptions, since they are not necessary in the Illinois program to accomplish the intended purpose, the Board does not intend to imply that compliance with a RCRA permit obviates immediate compliance with any of the event included in the federal exceptions.

- b) The issuance of a permit does not convey any property rights of any sort, or any exclusive privilege.
c) The issuance of a permit does not authorize any injury to persons or property or invasion of other private rights, or any infringement of State or local law or regulations, except as noted in subsection (a) above.

BOARD NOTE: Derived from 40 CFR 144.35 (1994) and 40 CFR 270.4 (1992) (1994), as amended at 49 Fed. Reg. 62952 (Dec. 6, 1994).

(Source: Amended at 19 Ill. Reg. 9913, effective JUN 27 1995)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: RCRA Permit Program
- 2) Code citation: 35 Ill. Adm. Code 703
- 3) Section numbers: Adopted action:
703.183, 703.201, 703.202 Amended
703.203 Amended
703.213 New Section
- 4) Statutory authority: 415 ILCS 5/13(c), 22.4 and 27.
- 5) Effective date of amendments: June 27, 1995

- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No

- 8) Date filed in Board's principal office: Opinion and order adopted June 1, 1995 and supplemental opinion and order adopted June 15, 1995.

- 9) Notice of proposal published in Illinois Register:

March 24, 1995, 19 Ill. Reg. 4184

- 10) Has JCAR issued a Statement of Objections to these rules? No

Sections 13(c) and 22.4(a) of the Environmental Protection Act [415 ILCS 5/13(c) & 22.4(a)] provide that Section 5 of the Administrative Procedure Act [5 ILCS 100/5-35 and 5-40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR. However, JCAR staff has reviewed the text of the amendments and recommended several minor revisions, as indicated in the table under question 11.

- 11) Differences between proposal and final version:

The Board has made many revisions to the text of the amendments, most of which were in response to public comments. The revisions are tabulated in summary fashion below. The source of the revisions to each segment of the amendments is indicated by the notations, where A denotes the Illinois EPA (Agency), B denotes the Board, C denotes a commentator, J denotes JCAR, S denotes the Secretary of State, and U denotes U.S. EPA.

Section(Source) Board Action

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 703.202(h)(3)(J) Correct ending punctuation
- 703.203 Board Note(J) Correct indentation level
- 703.213(J)(S) Add "of", correct subsection numbering

- 12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreement letter issued by JCAR?

Sections 13(c) and 22.4(a) of the Environmental Protection Act provide that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

- 13) Will these amendments replace emergency amendments currently in effect?
No

- 14) Are there any other amendments pending on this Part? No.

- 15) Summary and purpose of amendments:

A more detailed description is contained in the Board's opinion and order of June 1, 1995 and supplemental opinion and order of June 15, 1995 in R95-4/R95-6, which opinion and order and supplemental opinion and order are available from the address below. Sections 13(c) and 22.4 of the Environmental Protection Act provide that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by JCAR.

This rulemaking updates the Board's RCRA Subtitle C and UIC rules to correspond with amendments adopted by U.S. EPA that appeared in the Federal Register during the period July 1 through December 31, 1994 and January 3 and May 19, 1995. The USEPA actions during this period were as follows:

Federal Action

Summary

59 Fed. Reg. 38536, July 28, 1994
Exclusion from definition of solid waste for certain in-process recycled secondary materials used by the petroleum refining industry

59 Fed. Reg. 43496, August 24, 1994
Withdrawal of exemption from Subtitle C regulation of slag residues from high temperature metal recovery (HTMR) of electric arc furnace dust (K061), steel

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finishing pickle liquor (R062), and electroplating sludges (F006) that are used in a manner constituting disposal

59 Fed. Reg. 47980, September 19, 1994
Restoration of text from 40 CFR 268.7(a) inadvertently omitted in the amendments of August 31, 1993, at 58 Fed. Reg. 46040

59 Fed. Reg. 47982, September 19, 1994
Phase II land disposal restrictions (LDRs): universal treatment standards for organic toxicity wastes and newly-listed wastes (including underground injection control (UIC) amendments)

59 Fed. Reg. 62896, December 6, 1994
Organic material air emission standards for tanks, surface impoundments, and containers (Subpart CC rules)

In addition to these principal amendments that occurred during the update period, the Board included two additional, later actions:

50 Fed. Reg. 242, January 3, 1995
Corrections to the Phase II land disposal restrictions (universal treatment standards)

60 Fed. Reg. 26828, May 19, 1995
Delayed effective date for Subpart CC rules

The January 3 action was an amendment of the September 19, 1994 Phase II LDRs (universal waste rule). U.S. EPA corrected errors and clarified language in the universal treatment standards. The Board did not delay in adding these amendments for three reasons:

- 1) The January 3, 1995 amendments were corrections and clarifications of the September 19, 1994 regulations, and not new substantive amendments;
- 2) Prompt action on the January 3, 1995 amendments will facilitate implementation of the Phase II LDRs; and
- 3) The Board received a request from the regulated community that we add the January 3, 1995 amendments to those of September 19, 1994. (See "Expedited Consideration" below.)

The Board also notes that the January 3 amendments occurred within six months of the earliest amendments included in this docket, even if they occurred outside the nominal time-frame of the docket. We included the

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

May 19 amendments because they solely directly affect the effective date of principal amendments within this docket.

Specifically, the amendments to Part 703 incorporate necessary federal amendments of December 6, 1994 relating to the 40 CFR 264, subpart CC and 265, subpart CC (35 Ill. Adm. Code 724.Subpart CC and 725.Subpart CC) air emissions regulations for tanks, containers, and surface impoundments. The amendments add informational requirements for submission of hazardous waste permits.

- 16) Information and questions regarding this adopted amendments shall be directed to:

Michael J. McCambridge
Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60610
312-814-6924

Request copies of the Board's opinion and order of June 1, 1995 and supplemental opinion and order of June 15, 1995 from Victoria Agyeman, at 312-814-3620.

The full text of the adopted amendments begins on the next page:

ILLINOIS REGISTER

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS'

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER b: PERMITS

PART 703
RCRA PERMIT PROGRAM

SUBPART A: GENERAL PROVISIONS

Section
703.100 Scope and Relation to Other Parts
703.101 Purpose
703.110 References

SUBPART B: PROHIBITIONS

Section
703.120 Prohibitions in General
703.121 RCRA Permits
703.122 Specific Inclusions in Permit Program
703.123 Specific Exclusions from Permit Program
703.124 Discharges of Hazardous Waste
703.125 Reapplications
703.126 Initial Applications
703.127 Federal Permits (Repealed)

SUBPART C: AUTHORIZATION BY RULE AND INTERIM STATUS

Section
703.140 Purpose and Scope
703.141 Permits by Rule
703.150 Application by Existing HWM Facilities and Interim Status
Qualifications
703.151 Application by New HWM Facilities
703.152 Amended Part A Application
703.153 Qualifying for Interim Status
703.154 Prohibitions During Interim Status
703.155 Changes During Interim Status
703.156 Interim Status Standards
703.157 Grounds for Termination of Interim Status
703.158 Permits for Less Than an Entire Facility
703.159 Closure by Removal
703.160 Procedures for Closure Determination

SUBPART D: APPLICATIONS

Section

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POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

703.180 Applications in General
703.181 Contents of Part A
703.182 Contents of Part B
703.183 General Information
703.184 Facility Location Information
703.185 Groundwater Protection Information
703.186 Exposure Information
703.187 Solid Waste Management Units
703.188 Other Information
703.200 Specific Part B Application Information
703.201 Containers
703.202 Tank Systems
703.203 Surface Impoundments
703.204 Waste Piles
703.205 Incinerators that Burn Hazardous Waste
703.206 Land Treatment
703.207 Landfills
703.208 Boilers and Industrial Furnaces Burning Hazardous Waste
703.209 Miscellaneous Units
703.210 Process Vents
703.211 Equipment
703.212 Drip Pads
703.213 Air Emission Controls for Tanks, Surface Impoundments, and Containers

SUBPART E: SHORT TERM AND PHASED PERMITS

Section
703.221 Emergency Permits
703.222 Incinerator Conditions Prior to Trial Burn
703.223 Incinerator Conditions During Trial Burn
703.224 Incinerator Conditions After Trial Burn
703.225 Trial Burns for Existing Incinerators
703.230 Land Treatment Demonstration
703.231 Research, Development and Demonstration Permits
703.232 Permits for Boilers and Industrial Furnaces Burning Hazardous Waste

SUBPART F: PERMIT CONDITIONS OR DENIAL

Section
703.240 Permit Denial
703.241 Establishing Permit Conditions
703.242 Noncompliance Pursuant to Emergency Permit
703.243 Monitoring
703.244 Notice of Planned Changes (Repealed)
703.245 Twenty-four Hour Reporting
703.246 Reporting Requirements
703.247 Anticipated Noncompliance

POLLUTION CONTROL BOARD

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SUBPART G: CHANGES TO PERMITS

Section	
703.260	Transfer
703.270	Modification
703.271	Causes for Modification
703.272	Causes for Modification or Reissuance
703.273	Facility Siting
703.280	Permit Modification at the Request of the Permittee
703.281	Class 1 Modifications
703.282	Class 2 Modifications
703.283	Class 3 Modifications

APPENDIX A Classification of Permit Modifications

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/22.4 and 27].

SOURCE: Adopted in R82-19, 53 PCB 131, at 7 Ill. Reg. 14289, effective October 12, 1983; amended in R83-24 at 8 Ill. Reg. 206, effective December 27, 1983; amended in R84-9 at 9 Ill. Reg. 11899, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1110, effective January 2, 1986; amended in R85-23 at 10 Ill. Reg. 13284, effective July 28, 1986; amended in R86-1 at 10 Ill. Reg. 14093, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20702, effective December 2, 1986; amended in R86-28 at 11 Ill. Reg. 6121, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13543, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19383, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2584, effective January 15, 1988; amended in R87-39 at 12 Ill. Reg. 13069, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 447, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 8477, effective November 13, 1989; amended in R89-9 at 14 Ill. Reg. 6278, effective April 16, 1990; amended in R90-2 at 14 Ill. Reg. 14492, effective August 22, 1990; amended in R90-11 at 15 Ill. Reg. 9616, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14534, effective September 30, 1991; amended in R91-13 at 16 Ill. Reg. 9767, effective June 9, 1992; amended in R92-10 at 17 Ill. Reg. 5774, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20794, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6898, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12392, effective July 29, 1994; amended in R94-5 at 18 Ill. Reg. 18316, effective December 20, 1994; amended in R95-6 at 19 Ill. Reg. **9920**, effective

JUN 27 1995

NOTE: In this Part, superscript numbers or letters are denoted by parentheses; subscript are denoted by brackets.

SUBPART D: APPLICATIONS

Section 703.183 General Information

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The following information is required in the Part B application for all HWM facilities, except as 35 Ill. Adm. Code 724.101 provides otherwise:

- A general description of the facility;
 - Chemical and physical analyses of the hazardous wastes and hazardous debris to be handled at the facility. At a minimum, these analyses must contain all the information which must be known to treat, store or dispose of the wastes properly in accordance with 35 Ill. Adm. Code 724;
 - A copy of the waste analysis plan required by 35 Ill. Adm. Code 724.113(b) and, if applicable, 35 Ill. Adm. Code 724.113(c);
 - A description of the security procedures and equipment required by 35 Ill. Adm. Code 724.114, or a justification demonstrating the reasons for requesting a waiver of this requirement;
 - A copy of the general inspection schedule required by 35 Ill. Adm. Code 724.115(b). Include where applicable, as part of the inspection schedule, specific requirements in 35 Ill. Adm. Code 724.274, 724.293(i), 724.295, 724.326, 724.354, 724.373, 724.403, 724.702, 724.933, 724.952, 724.953, ~~924-959~~ and 724.958, 724.988, and 724.991;
 - A justification of any request for a waiver of the preparedness and prevention requirements of 35 Ill. Adm. Code 724. Subpart C;
 - A copy of the contingency plan required by 35 Ill. Adm. Code 724. Subpart D;
- BOARD NOTE: Include, where applicable, as part of the contingency plan, specific requirements in 35 Ill. Adm. Code 724.327 and 724.355. 35 Ill. Adm. Code 724.355 has not yet been adopted.
- A description of procedures, structures, or equipment used at the facility to:
 - Prevent hazards in unloading operations (for example, ramps, or special forklifts);
 - Prevent runoff from hazardous waste handling areas to other areas of the facility or environment, or to prevent flooding (for example, berms, dikes, or trenches);
 - Prevent contamination of water supplies;
 - Mitigate effects of equipment failure and power outages;
 - Prevent undue exposure of personnel to hazardous waste (for example, protective clothing); and
 - Prevent releases to the atmosphere.
 - A description of precautions to prevent accidental ignition or reaction of ignitable, reactive, or incompatible wastes, as required to demonstrate compliance with 35 Ill. Adm. Code 724.117, including documentation demonstrating compliance with 35 Ill. Adm. Code 724.117(c);
 - Traffic pattern, estimated volume (number and types of vehicles), and control (for example, show turns across traffic lanes and stacking lanes, if appropriate); describe access road surfacing and load bearing capacity; and show traffic control signals;
 - Facility location information, as required by Section 703.184;
 - An outline of both the introductory and continuing training programs

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by the owners owner or operators operator to prepare persons to operate or maintain the HWM facility in a safe manner, as required to demonstrate compliance with 35 Ill. Adm. Code 724.116. A brief description of how training will be designed to meet actual job tasks in accordance with requirements in 35 Ill. Adm. Code 724.116(a)(3);

m) A copy of the closure plan and, where applicable, the post-closure plan required by 35 Ill. Adm. Code 724.212, 724.218, and 724.297. Include where applicable, as part of the plans, specific requirements in 35 Ill. Adm. Code 724.278, 724.297, 724.328, 724.358, 724.380, 724.410, 724.451, 724.701, and 724.703;

n) For hazardous waste disposal units that have been closed, documentation that notices required under 35 Ill. Adm. Code 724.219 have been filed;

o) The most recent closure cost estimate for the facility, prepared in accordance with 35 Ill. Adm. Code 724.242, and a copy of the documentation required to demonstrate financial assurance under 35 Ill. Adm. Code 724.243. For a new facility, a copy of the required documentation may be submitted 60 days prior to the initial receipt of hazardous wastes, if it is later than the submission of the Part B permit application;

p) Where applicable, the most recent post-closure cost estimate for the facility, prepared in accordance with 35 Ill. Adm. Code 724.244, plus a copy of the documentation required to demonstrate financial assurance under 35 Ill. Adm. Code 724.245; For a new facility, a copy of the required documentation may be submitted 60 days prior to the initial receipt of hazardous wastes, if it is later than the submission of the Part B permit application;

q) Where applicable, a copy of the insurance policy or other documentation which comprises compliance with the requirements of 35 Ill. Adm. Code 724.247. For a new facility, documentation showing the amount of insurance meeting the specification of 35 Ill. Adm. Code 724.247(a) and, if applicable, 35 Ill. Adm. Code 724.247(b) that the owner or operator plans to have in effect before initial receipt of hazardous waste for treatment, storage, or disposal. A request for an alternative level of required coverage for a new or existing facility may be submitted as specified in 35 Ill. Adm. Code 724.247(c);

r) A topographic map showing a distance of 1000 feet around the facility at a scale of 2.5 centimeters (1 inch) equal to not more than 61.0 meters (200 feet). Contours must be shown on the map. The contour interval must be sufficient to clearly show the pattern of surface water flow in the vicinity of and from each operational unit of the facility. For example, contours with an interval of 1.5 meters (5 feet), if relief is greater than 6.1 meters (20 feet), or an interval of 0.6 meters (2 feet), if relief is less than 6.1 meters (20 feet). Owners and operators of HWM facilities located in mountainous areas shall use larger contour intervals to adequately show topographic profiles of facilities. The map must clearly show the following:

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- 1) Map scale and date;
- 2) 100-year floodplain area;
- 3) Surface waters including intermittent streams;
- 4) Surrounding land uses (e.g., residential, commercial, agricultural, recreational, etc.);
- 5) A wind rose (i.e., prevailing windspeed and direction);
- 6) Orientation of the map (north arrow);
- 7) Legal boundaries of the HWM facility site;
- 8) Access control (e.g., fences, gates, etc.);
- 9) Injection and withdrawal wells both on-site and off-site;
- 10) Buildings; treatment, storage, or disposal operations; or other structures (e.g., recreation areas, runoff control systems, access and internal roads, storm, sanitary and process sewage systems, loading and unloading areas, fire control facilities, etc.);
- 11) Barriers for drainage or flood control;
- 12) Location of operational units within the HWM facility site, where hazardous waste is (or will be) treated, stored, or disposed (include equipment cleanup areas);

BOARD NOTE: For large HWM facilities, the Agency shall allow the use of other scales on a case by case basis.

- s) Applicants shall submit such information as the Agency determines is necessary for it to determine whether to issue a permit and what conditions to impose in any permit issued; and-
- t) For land disposal facilities, if a case-by-case extension has been approved under 35 Ill. Adm. Code 728.105 or if a petition has been approved under 35 Ill. Adm. Code 728.106, a copy of the notice of approval of the extension or of approval of the petition is required.

BOARD NOTE: Derived from 40 CFR 270.14(b) (1990 1994), as amended at 57 59 Fed. Reg. 372817-August-10-1992 62952 (Dec. 6, 1994).

(Source: Amended at 19 Ill. Reg. 99 20 , effective JUN 27 1995)

Section 703.201 Containers

For facilities that store containers of hazardous waste, except as otherwise provided in 35 Ill. Adm. Code 724.270, the Part B application must include:

- a) A description of the containment system to demonstrate compliance with 35 Ill. Adm. Code 724.275. Show at least the following:
 - 1) Basic design parameters, dimensions, and materials of construction;
 - 2) How the design promotes drainage or how containers are kept from contact with standing liquids in the containment system;
 - 3) Capacity of the containment system relative to the number and volume of containers to be stored;
 - 4) Provisions for preventing or managing run-on; and
 - 5) How accumulated liquids can be analyzed and removed to prevent

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- overflow.
- b) For storage areas that store containers holding wastes that do not contain free liquids, a demonstration of compliance with 35 Ill. Adm. Code 724.275(c), including:
- 1) Test procedures and results or other documentation or information to show that the wastes do not contain free liquids; and
 - 2) A description of how the storage area is designed or operated to drain and remove liquids or how containers are kept from contact with standing liquids.
- c) Sketches, drawings, or data demonstrating compliance with 35 Ill. Adm. Code 724.276 (location of buffer zone and containers holding ignitable or reactive wastes) and Section 724.277(c) (location of incompatible wastes), where applicable.
- d) Where incompatible wastes are stored or otherwise managed in containers, a description of the procedures used to ensure compliance with 35 Ill. Adm. Code 724.117(b) and (c) and 724.277(a) and (b).
- e) Information on air emission control equipment, as required in Section 703.213.

BOARD NOTE: Derived from 40 CFR 270.15 (1992 1994), as amended at 59 Fed. Reg. 62952 (Dec. 5, 1994).

(Source: Amended at 19 Ill. Reg. 99-20-1, effective JUN 27 1995.)

Section 703.202 Tank Systems

Except as otherwise provided in 35 Ill. Adm. Code 724.290, owners and operators of facilities that use tanks to store or treat hazardous waste shall provide the following additional information:

- a) A written assessment that is reviewed and certified by an independent, qualified, registered professional engineer as to the structural integrity and suitability for handling hazardous waste of each tank system, as required under 35 Ill. Adm. Code 724.291 and 724.292;
- b) Dimensions and capacity of each tank;
- c) Description of feed systems, safety cutoff, bypass systems, and pressure controls (e.g., vents);
- d) A diagram of piping, instrumentation, and process flow for each tank system;
- e) A description of materials and equipment used to provide external corrosion protection, as required under 35 Ill. Adm. Code 724.292(a)(3)(B);
- f) For new tank systems, a detailed description of how the tank system(s) will be installed in compliance with 35 Ill. Adm. Code 724.292(b), (c), (d), and (e);
- g) Detailed plans and description of how the secondary containment system for each tank system is or will be designed, constructed and operated to meet the requirements of 35 Ill. Adm. Code 724.293(a), (b), (c), (d), (e), and (f);

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- h) For tank systems for which alternative design and operating practices are sought pursuant to 35 Ill. Adm. Code 724.293(g):
- 1) Detailed plans and engineering and hydrogeologic reports, as appropriate, describing alternate design and operating practices that will, in conjunction with location aspects, prevent the migration of any hazardous waste or hazardous constituents into the groundwater or surface water during the life of the facility, or
 - 2) A detailed assessment of the substantial present or potential hazards posed to human health or the environment should a release enter the environment.
- 3) A copy of the petition for alternative design and operating practices or, if such have already been granted, a copy of the Board order granting alternative design and operating practices.
- i) Description of controls and practices to prevent spills and overflows, as required under 35 Ill. Adm. Code 724.294(b); and
- j) For tank systems in which ignitable, reactive or incompatible wastes are to be stored or treated, a description of how operating procedures and tank system and facility design will achieve compliance with the requirements of 35 Ill. Adm. Code 724.298 and 724.299; and
- k) Information on air emission control equipment, as required in Section 703.213.

BOARD NOTE: See 40 CFR 270.16 (1986 1994), as amended at 59 Fed. Reg. 25471-July-14-1994-62952 (Dec. 5, 1994).

(Source: Amended at 19 Ill. Reg. 99-20-1, effective JUN 27 1995.)

Section 703.203 Surface Impoundments

For facilities that store, treat, or dispose of hazardous waste in surface impoundments, except as otherwise provided in 35 Ill. Adm. Code 724.101, the Part B application must include:

- a) A list of the hazardous wastes placed or to be placed in each surface impoundment;
- b) Detailed plans and an engineering report describing how the surface impoundment is designed and is or will be constructed, operated, and maintained to meet the requirements of 35 Ill. Adm. Code 724.119, 724.321, 724.322 and 724.323, addressing the following items:
 - 1) The liner system (except for an existing portion of a surface impoundment). If an exemption from the requirement for a liner is sought, as provided by 35 Ill. Adm. Code 724.321(b), submit a copy of the Board order granting an adjusted standard pursuant to 35 Ill. Adm. Code 724.321(b);
 - 2) The double liner and leak (leachate) detection, collection and removal system, if the surface impoundment must meet the requirements of 35 Ill. Adm. Code 724.321(c). If an exemption from the requirements for double liners and a leak detection,

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collection, and removal system or alternative design is sought as provided by 35 Ill. Adm. Code 724.321(d), (e), or (f), submit appropriate information:

- 3) If the leak detection system is located in a saturated zone, submit detailed plans and an engineering report explaining the leak detection system design and operation, and the location of the saturated zone in relation to the leak detection system;
- 4) The construction quality assurance (CQA) plan if required under 35 Ill. Adm. Code 724.119; and
- 5) Proposed action leakage rate, with rationale, if required under 35 Ill. Adm. Code 724.322; response action plan, if required under 35 Ill. Adm. Code 724.323; and a proposed pump operating level, if required under 35 Ill. Adm. Code 724.326 (d)(3);
- 6) Prevention of overtopping; and
- 7) Structural integrity of dikes.

c) A description of how each surface impoundment, including the double liner system, leak detection system, cover system and appurtenances for control of overtopping, will be inspected in order to meet the requirements of 35 Ill. Adm. Code 724.326(a), (b), and (d). This information must be included in the inspection plan submitted under Section 703.183(e).

d) A certification by a qualified engineer which attests to the structural integrity of each dike, as required under 35 Ill. Adm. Code 724.326(c). For new units, the owner or operator shall submit a statement by a qualified engineer that the engineer will provide such a certification upon completion of construction in accordance with the plans and specifications.

e) A description of the procedure to be used for removing a surface impoundment from service, as required under 35 Ill. Adm. Code 724.327(b) and (c). This information must be included in the contingency plan submitted under Section 703.183(g).

f) A description of how hazardous waste residues and contaminated materials will be removed from the unit at closure, as required under 35 Ill. Adm. Code 724.328(a)(1). For any wastes not to be removed from the unit upon closure, the owner or operator shall submit detailed plans and an engineering report describing how 35 Ill. Adm. Code 724.328(a)(2) and (b) will be complied with. This information must be included in the closure plan and, where applicable, the post-closure plan submitted under Section 703.183(m).

g) If ignitable or reactive wastes are to be placed in a surface impoundment, an explanation of how 35 Ill. Adm. Code 724.329 will be complied with.

h) If incompatible wastes, or incompatible wastes and materials, will be placed in a surface impoundment, an explanation of how 35 Ill. Adm. Code 724.330 will be complied with.

i) A waste management plan for hazardous waste numbers F020, F021, F022, F023, F026, and F027 describing how the surface impoundment is or will be designed, constructed, operated, and maintained to meet the

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requirements of 35 Ill. Adm. Code 724.331. This submission must address the following items as specified in that Section:

- 1) The volume, physical, and chemical characteristics of the wastes, including their potential to migrate through soil or to volatilize or escape into the atmosphere;
- 2) The attenuative properties of underlying and surrounding soils or other materials;
- 3) The mobilizing properties of other materials co-disposed with these wastes; and
- 4) The effectiveness of additional treatment, design or monitoring techniques.

1) Information on air emission control equipment, as required in Section 703.213.

BOARD NOTE: Derived from 40 CFR 270.17 (1991 1994), as amended at 59 Fed. Reg. 34867-January-29-1992 62952 (Dec. 6, 1994).

(Source: Amended at 19 Ill. Reg. 99201, effective JUN 27 1995)

Section 703.213 Air Emission Controls for Tanks, Surface Impoundments, and Containers

Except as otherwise provided in 35 Ill. Adm. Code 724.101, owners and operators of tanks, surface impoundments, or containers that use air emission controls in accordance with the requirements of 35 Ill. Adm. Code 724.331 shall provide the following additional information:

a) Documentation for each cover installed on a tank subject to 35 Ill. Adm. Code 724.984(b)(2) or 724.984(b)(3) that includes information prepared by the owner or operator or provided by the cover manufacturer or vendor describing the cover design, and certification by the owner or operator that the cover meets the applicable design specifications as listed in 35 Ill. Adm. Code 725.991(c).

b) Identification of each container area subject to the requirements of 35 Ill. Adm. Code 724.331 and certification by the owner or operator that the requirements of this Subpart are met.

c) Documentation for each enclosure used to control air emissions from containers in accordance with the requirements of 35 Ill. Adm. Code 724.986(b)(2)(A) that includes information prepared by the owner or operator or provided by the manufacturer or vendor describing the enclosure design, and certification by the owner or operator that the enclosure meets the specifications listed in 35 Ill. Adm. Code 725.987(b)(2)(B).

d) Documentation for each floating membrane cover installed on a surface impoundment in accordance with the requirements of 35 Ill. Adm. Code 724.985(c) that includes information prepared by the owner or operator or provided by the cover manufacturer or vendor describing the cover design, and certification by the owner or operator that the cover meets the specifications listed in 35 Ill. Adm. Code 725.986(e).

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- e) Documentation for each closed-vent system and control device installed in accordance with the requirements of 35 Ill. Adm. Code 724.987 that includes design and performance information as specified in 703.24(c) and (d).
- f) An emission monitoring plan for both Method 21 and control device monitoring methods. This plan must include the following information: monitoring points, monitoring methods for control devices, monitoring frequency, procedures for documenting exceedances, and procedures for mitigating noncompliances.
- g) When an owner or operator of a facility subject to 35 Ill. Adm. Code 725.Subpart CC cannot comply with 35 Ill. Adm. Code 724.Subpart CC by the date of permit issuance, the schedule of implementation required under 35 Ill. Adm. Code 725.982.
- BOARD NOTE: Derived from 40 CFR 270.27, added at 59 Fed. Reg. 52952 (Dec. 6, 1994).

(Source: Added at 19 Ill. Reg. **99201**, effective **JUN 27 1995**)

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- 1) Heading of the Part: Standards Applicable to Generators of Hazardous Waste
- 2) Code citation: 35 Ill. Adm. Code 722
- 3) Section numbers: Adopted action:
722.122 Amended
722.134 Amended
- 4) Statutory authority: 415 ILCS 5/13(c), 22.4 and 27.
- 5) Effective date of amendments: June 27, 1995
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) Date filed in Board's principal office: Opinion and order adopted June 1, 1995 and supplemental opinion and order adopted June 15, 1995.
- 9) Notice of proposal published in Illinois Register:
March 24, 1995, 19 Ill. Reg. 4199
- 10) Has JCAR issued a Statement of Objections to these rules? No
- Sections 13(c) and 22.4(a) of the Environmental Protection Act [415 ILCS 5/13(c) & 22.4(a)] provide that Section 5 of the Administrative Procedure Act [5 ILCS 100/5-35 and 5-40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR. However, JCAR staff has reviewed the text of the amendments and recommended several minor revisions, as indicated in the table under question 11.

11) Differences between proposal and final version:

The Board has made many revisions to the text of the amendments, most of which were in response to public comments. The revisions are tabulated in summary fashion below. The source of the revisions to each segment of the amendments is indicated by the notations, where A denotes the Illinois EPA (Agency), B denotes the Board, C denotes a commentator, J denotes JCAR, S denotes the Secretary of State, and U denotes U.S. EPA.

Section(Source)	Board Action
722. Authority Note(J)	Correct ILCS cite

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- 722.122(S,J) Delete duplicate "the"
722.134(d)(2)(J) Correct cross-reference to "725.278"

12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreement letter issued by JCAR?

Sections 13(c) and 22.4(a) of the Environmental Protection Act provide that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

13) Will these amendments replace emergency amendments currently in effect? No

14) Are there any other amendments pending on this Part? No

15) Summary and purpose of amendments:

A more detailed description is contained in the Board's opinion and order of June 1, 1995 and supplemental opinion and order of June 15, 1995 in R95-4/R95-6, which opinion and order and supplemental opinion and order are available from the address below. Sections 13(c) and 22.4 of the Environmental Protection Act provide that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by JCAR.

This rulemaking updates the Board's RCRA Subtitle C and UIC rules to correspond with amendments adopted by U.S. EPA that appeared in the Federal Register during the period July 1 through December 31, 1994 and January 3 and May 19, 1995. The USEPA actions during this period were as follows:

Federal Action	Summary
59 Fed. Reg. 38536, July 28, 1994	Exclusion from definition of solid waste for certain in-process recycled secondary materials used by the petroleum refining industry.
59 Fed. Reg. 43496, August 24, 1994	Withdrawal of exemption from Subtitle C regulation of slag residues from high temperature metal recovery (HTMR) of electric arc furnace dust (K061), steel finishing pickle liquor (K062), and electroplating sludges (F006) that are used in a manner constituting disposal

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59 Fed. Reg. 47980, September 19, 1994 Restoration of text from 40 CFR 268.7(a) inadvertently omitted in the amendments of August 31, 1993, at 58 Fed. Reg. 46040

59 Fed. Reg. 47982, September 19, 1994 Phase II land disposal restrictions (LDRs): universal treatment standards for organic toxicity wastes and newly-listed wastes (including underground injection control (UIC) amendments

59 Fed. Reg. 62896, December 6, 1994 Organic material air emission standards for tanks, surface impoundments, and containers (Subpart CC rules)

In addition to these principal amendments that occurred during the update period, the Board included two additional, later actions:

60 Fed. Reg. 242, January 3, 1995 Corrections to the Phase II land disposal restrictions: universal treatment standards

60 Fed. Reg. 26828, May 19, 1995 Delayed effective date for Subpart CC rules

The January 3 action was an amendment of the September 19, 1994 Phase II LDRs (universal waste rule). U.S. EPA corrected errors and clarified language in the universal treatment standards. The Board did not delay in adding these amendments for three reasons:

- 1) The January 3, 1995 amendments were corrections and clarifications of the September 19, 1994 regulations, and not new substantive amendments;
- 2) Prompt action on the January 3, 1995 amendments will facilitate implementation of the Phase II LDRs; and
- 3) The Board received a request from the regulated community that we add the January 3, 1995 amendments to those of September 19, 1994. (See "Expedited Consideration" below.)

The Board also notes that the January 3 amendments occurred within six months of the earliest amendments included in this docket, even if they occurred outside the nominal time-frame of the docket. We included the May 19 amendments because they solely directly affect the effective date of principal amendments within this docket.

Specifically, the amendments to Part 722 incorporate the federal amendments

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of December 6, 1994, to impose the 40 CFR 264, subpart CC and 265, subpart CC (35 Ill. Adm. Code 724.Subpart CC and 725.Subpart CC) air emissions requirements on hazardous waste generators. The Board has further used this opportunity to make a number of minor corrective and clarifying amendments to the open provisions and to remove one of the last remaining cross-references to 35 Ill. Adm. Code 700.106 for an effective date, in the source note to Section 722.122.

16) Information and questions regarding these adopted amendments shall be directed to:

Michael J. McCambridge
Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60610
312-814-6924

Request copies of the Board's opinion and order of June 1, 1995 and supplemental opinion and order of June 15, 1995 from Victoria Aggeman, at 312-814-3620.

The full text of the adopted amendments begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER c: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 722

STANDARDS APPLICABLE TO
GENERATORS OF HAZARDOUS WASTE

SUBPART A: GENERAL

Section
722.110
722.111
722.112

Purpose, Scope and Applicability
Hazardous Waste Determination
USEPA Identification Numbers

SUBPART B: THE MANIFEST

Section
722.120
722.121
722.122
722.123

General Requirements
Acquisition of Manifests
Number of Copies
Use of the Manifest

SUBPART C: PRE-TRANSPORT REQUIREMENTS

Section
722.130
722.131
722.132
722.133
722.134

Packaging
Labeling
Marking
Placarding
Accumulation Time

SUBPART D: RECORDKEEPING AND REPORTING

Section
722.140
722.141
722.142
722.143
722.144

Recordkeeping
Annual Reporting
Exception Reporting
Additional Reporting
Special Requirements for Generators of between 100 and 1000 kilograms per month

SUBPART E: EXPORTS OF HAZARDOUS WASTE

Section
722.150
722.151

Applicability
Definitions

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722.152 General Requirements
 722.153 Notification of Intent to Export
 722.154 Special Manifest Requirements
 722.155 Exception Report
 722.156 Annual Reports
 722.157 Recordkeeping

SUBPART F: IMPORTS OF HAZARDOUS WASTE

Section
 722.160 Imports of Hazardous Waste

SUBPART G: FARMERS

Section
 722.170 Farmers

APPENDIX A Hazardous Waste Manifest

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/22.4 and 27].

SOURCE: Adopted in R81-22, 43 PCB 427, at 5 Ill. Reg. 9781, effective May 17, 1982; amended and codified in R81-22, 45 PCB 317, at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R82-18, 51 PCB 31, at 7 Ill. Reg. 2518, effective February 22, 1983; amended in R84-9 at 9 Ill. Reg. 11950, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1131, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14112, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20709, effective December 2, 1986; amended in R86-46 at 11 Ill. Reg. 13555, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19392, effective November 12, 1987; amended in R87-39 at 12 Ill. Reg. 13129, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 452, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18523, effective November 13, 1989; amended in R90-10 at 14 Ill. Reg. 16653, effective September 25, 1990; amended in R90-11 at 15 Ill. Reg. 9644, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14562, effective October 1, 1991; amended in R91-13 at 16 Ill. Reg. 9833, effective June 9, 1992; amended in 92-1 at 16 Ill. Reg. 17696, effective November 6, 1992; amended in R93-4 at 17 Ill. Reg. 20822, effective November 22, 1993; amended in R95-6 at 19 Ill. Reg. 99351, effective

JUN 27 1995

SUBPART B: THE MANIFEST

Section 722.122 Number of Copies

The manifest consists of at least the that number of copies which that will provide the generator, each transporter, and the owner or operator of the designated receiving treatment, storage, or disposal facility each with one

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copy each for their records, and another plus provide one copy to be returned to the generator, and plus provide two copies to be sent to the Agency, one by each of the generator and by the HWM receiving treatment, storage, or disposal facility owner or operator.

(Source: Amended at 19 Ill. Reg. 99351, effective JUN 27 1995)

SUBPART C: PRE-TRANSPORT REQUIREMENTS

Section 722.134 Accumulation Time

a) Except as provided in subsections (d), (e), or (f) below, a generator is exempt from all the requirements in 35 Ill. Adm. Code 725.Subparts G and H, except for 35 Ill. Adm. Code 725.211 and 725.214, and may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status; provided that:

1) The waste is placed:

- A) In containers and the generator complies with 35 Ill. Adm. Code 725.Subparts Subpart I, AA, BB, and CC; or
- B) In tanks and the generator complies with 35 Ill. Adm. Code 725.Subparts Subpart J (except 35 Ill. Adm. Code 725.297(c) and 725.300), AA, BB, and CC; or
- C) On drip pads and the generator complies with 35 Ill. Adm. Code 725.Subpart W and maintains the following records at the facility:
 - i) A description of the procedures that will be followed to ensure that all wastes are removed from the drip pad and associated collection system at least once every 90 days; and
 - ii) Documentation of each waste removal, including the quantity of waste removed from the drip pad and the sump or collection system and the date and time of removal; or
- D) In containment buildings and the generator complies with 35 Ill. Adm. Code 725.Subpart DD (has placed its Professional Engineer (PE) certification that the building complies with the design standards specified in 35 Ill. Adm. Code 725.1101 in the facility's operating record no later than 60 days after prior to the date of initial operation of the unit).

After February 197-1993, the PE certification will be required prior to operation of the unit. The owner or operator shall maintain the following records at the facility:

- i) A written description of procedures to ensure that each waste volume remains in the unit for no more than 90 days, a written description of the waste generation and management practices for the facility showing that

POLLUTION CONTROL BOARD

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they are consistent with respecting the 90 day limit, and documentation that the procedures are complied with; or

- ii) Documentation that the unit is emptied at least once every 90 days.

BOARD NOTE: The "in addition" hanging subsection ~~which~~ that appears in the Federal rules after 40 CFR 262.34(a)(1)(iv)(B) is in the introduction to subsection (a)7 above.

- 2) The date upon which each period of accumulation begins is clearly marked and visible for inspection on each container;
- 3) While being accumulated on-site, each container and tank is labeled or marked clearly with the words, "Hazardous Waste", and
- 4) The generator complies with the requirements for treatment, storage, and disposal facility owners or operators in 35 Ill. Adm. Code 725.Subparts C and D7 and with 35 Ill. Adm. Code 725.116 and 728.107(a)(4).

- b) A generator ~~who~~ that accumulates hazardous waste for more than 90 days is an operator of a storage facility and is subject to the requirements of 35 Ill. Adm. Code 724 and 725 and the permit requirements of 35 Ill. Adm. Code 702, 703 and 705 unless the generator has been granted an extension of the 90-day period. If hazardous wastes must remain on-site for longer than 90 days due to unforeseen, temporary, and uncontrollable circumstances, the generator may seek an extension of up to 30 days by means of a variance or provisional variance, pursuant to Section 37 of the Environmental Protection Act and 35 Ill. Adm. Code 180 (agency procedural regulations).

- c) Accumulation near the point of generation.

- 1) A generator may accumulate as much as 55 gallons of hazardous waste or one quart of acutely hazardous waste listed in 35 Ill. Adm. Code 721.133(e) in containers at or near any point of generation where wastes initially accumulate ~~which~~ that is under the control of the operator of the process generating the waste without a permit or interim status and without complying with subsection (a)7 above, provided the generator:

- A) Complies with 35 Ill. Adm. Code 725.271, 725.272 and 725.273(a)72 and

- B) marks the generator's containers either with the words "Hazardous Waste" or with other words that identify the contents of the containers.

- 2) A generator ~~who~~ that accumulates either hazardous waste or acutely hazardous waste listed in 35 Ill. Adm. Code 721.133(e) in excess of the amounts listed in subsection (c) (1)7 above at or near any point of generation must, with respect to that amount of excess waste, comply within three days with subsection (a)7 above or other applicable provisions of this ~~chapter~~ Chapter. During the three day period the generator must continue to comply

POLLUTION CONTROL BOARD

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with subsection (c) (1)7 above. The generator must mark the container holding the excess accumulation of hazardous waste with the date the excess amount began accumulating.

- d) A generator ~~who~~ that generates greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month may accumulate hazardous waste on-site for 180 days or less without a permit or without having interim status provided that:

- 1) The quantity of waste accumulated on-site never exceeds 6000 kilograms;

- 2) The generator complies with the requirements of 35 Ill. Adm. Code 725.Subpart I7 [except ~~the generator need not comply with~~ 35 Ill. Adm. Code 725.276 and 725.278];

- 3) The generator complies with the requirements of 35 Ill. Adm. Code 725.301;

- 4) The generator complies with the requirements of subsections (a)(2) and (c) (3)7 above, ~~of~~ 35 Ill. Adm. Code 725.Subpart C2 and ~~of~~ 35 Ill. Adm. Code 728.107(a)(4); and

- 5) The generator complies with the following requirements:

- A) At all times there must be at least one employee either on the premises or on call (i.e., available to respond to an emergency by reaching the facility within a short period of time) with the responsibility for coordinating all emergency response measures specified in subsection (d)(5)(D)7 below. The employee is the emergency coordinator.

- B) The generator shall post the following information next to the telephone:

- i) The name and telephone number of the emergency coordinator;
- ii) Location of fire extinguishers and spill control material; and, if present, fire alarm; and
- iii) The telephone number of the fire department, unless the facility has a direct alarm.

- C) The generator shall ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures, relevant to their responsibilities during normal facility operations and emergencies;

- D) The emergency coordinator or designee shall respond to any emergencies that arise. The applicable responses are as follows:

- i) In the event of a fire, call the fire department or attempt to extinguish it using a fire extinguisher;
- ii) In the event of a spill, contain the flow of hazardous waste to the extent possible and, as soon as is practicable, clean up the hazardous waste and any contaminated materials or soil;
- iii) In the event of a fire, explosion, or other release ~~which~~ that could threaten human health outside the facility, or when the generator has knowledge that a

POLLUTION CONTROL BOARD

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spill has reached surface water, the generator shall immediately notify the National Response Center (using its 24-hour toll free number 800-424-8802). The report must include the following information: the name, address, and U.S. EPA identification number (35 Ill. Adm. Code 722.112) of the generator; the date, time, and type of incident (e.g., spill or fire); the quantity and type of hazardous waste involved in the incident; the extent of injuries, if any; and the estimated quantity and disposition of recoverable materials, if any.

e) A generator who that generates greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month and who that must transport the waste or offer the waste for transportation over a distance of 200 miles or more for off-site treatment, storage, or disposal may accumulate hazardous waste on-site for 270 days or less without a permit or without having interim status, provided that the generator complies with the requirements of subsection (d)7 above.

f) A generator who that generates greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month and who that accumulates hazardous waste in quantities exceeding 6000 kg or accumulates hazardous waste for more than 180 days (or for more than 270 days if the generator must transport the waste or offer the waste for transportation over a distance of 200 miles or more) is an operator of a storage facility and is subject to the requirements of 35 Ill. Adm. Code 724 and 725 and the permit requirements of 35 Ill. Adm. Code 703 unless the generator has been granted an extension to the 180-day (or 270-day if applicable) period. If hazardous wastes must remain on-site for longer than 180 days (or 270 days if applicable) due to unforeseen, temporary, and uncontrollable circumstances, the generator may seek an extension of up to 30 days by means of variance or provisional variance pursuant to Section 37 of the Environmental Protection Act.

(Source: Amended at 19 Ill Reg. 9935¹, effective JUN 7 1995)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Standards Applicable to Transporters of Hazardous Waste
- 2) Code citation: 35 Ill. Adm. Code 723
- 3) Section numbers: Adopted action:
723.130 Amended
- 4) Statutory authority: 415 ILCS 5/13(c), 22.4 and 27.
- 5) Effective date of amendments: June 27, 1995
- 6) Does this rulemaking contain an automatic repeal date?: No.

7) Do these amendments contain incorporations by reference? Yes. 35 Ill. Adm. Code 720.111 is the centralized listing of all documents incorporated by reference for the purposes of the Illinois UIC and RCRA Subtitle C programs (35 Ill. Adm. Code 702 through 705, 720 through 726, 728, 730, 738 & 739). The present amendments include revisions to the references in that Section. Most of the amendments involve updates to analytical methods.

8) Date filed in Board's principal office: Opinion and order adopted June 1, 1995 and supplemental opinion and order adopted June 15, 1995.

9) Notice of proposal published in Illinois Register: March 24, 1995, 19 Ill. Reg. 4209

10) Has JCAR issued a Statement of Objections to these rules? No.

Sections 13(c) and 22.4(a) of the Environmental Protection Act [415 ILCS 5/13(c) & 22.4(a)] provide that Section 5 of the Administrative Procedure Act [5 ILCS 100/5-35 and 5-40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR. However, JCAR staff has reviewed the text of the amendments and recommended several minor revisions, as indicated in the table under question 11.

11) Differences between proposal and final version: The Board has made many revisions to the text of the amendments, most of which were in response to public comments. The revisions are tabulated in summary fashion below. The source of the revisions to each segment of the amendments is indicated by the notations, where (A) denotes the Illinois EPA (Agency), (B) denotes the Board, (C) denotes a commentator, (J) denotes JCAR, (S) denotes the Secretary of State, and (U) denotes U.S. EPA.

Section (Source)

Board Action

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 723.130(b) (J) Lower case "state"
- 723.130(c) (J) Correct telephone number

12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreement letter issued by JCAR? Sections 13(c) and 22.4(a) of the Environmental Protection Act provide that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

13) Will these amendments replace emergency amendments currently in effect? No.

14) Are there any other amendments pending on this Part? No.

15) Summary and purpose of amendments: A more detailed description is contained in the Board's opinion and order of June 1, 1995 and supplemental opinion and order of June 15, 1995 in R95-4/R95-6, which opinion and order and supplemental opinion and order are available from the address below. Sections 13(c) and 22.4 of the Environmental Protection Act provide that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by JCAR.

This rulemaking updates the Board's RCRA Subtitle C and UIC rules to correspond with amendments adopted by U.S. EPA that appeared in the Federal Register during the period July 1 through December 31, 1994 and January 3 and May 19, 1995. The USEPA actions during this period were as follows:

Federal Action

Summary

59 Fed. Reg. 38536, July 28, 1994 Exclusion from definition of solid waste for certain in-process recycled secondary materials used by the petroleum refining industry

59 Fed. Reg. 43496, August 24, 1994 Withdrawal of exemption from Subtitle C regulation of slag residues from high temperature metal recovery (HTMR) of electric arc furnace dust (K061), steel finishing pickle liquor (K062), and electroplating sludges (F006) that are

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

used in a manner constituting disposal

59 Fed. Reg. 47980, September 19, 1994 Restoration of text from 40 CFR 268.7(a) inadvertently omitted in the amendments of August 31, 1993, at 58 Fed. Reg. 46040

59 Fed. Reg. 47982, September 19, 1994 Phase II land disposal restrictions (LDRs): universal treatment standards for organic toxicity wastes and newly-listed wastes (including underground injection control (UIC) amendments)

59 Fed. Reg. 62896, December 6, 1994 Organic material air emission standards for tanks, surface impoundments, and containers (Subpart CC rules)

In addition to these principal amendments that occurred during the update period, the Board included two additional, later actions:

60 Fed. Reg. 242, January 3, 1995 Corrections to the Phase II land disposal restrictions (universal treatment standards)

60 Fed. Reg. 26828, May 19, 1995 Delayed effective date for Subpart CC rules

The January 3 action was an amendment of the September 19, 1994 Phase II LDRs (universal waste rule). U.S. EPA corrected errors and clarified language in the universal treatment standards. The Board did not delay in adding these amendments for three reasons:

1) The January 3, 1995 amendments were corrections and clarifications of the September 19, 1994 regulations, and not new substantive amendments;

2) Prompt action on the January 3, 1995 amendments will facilitate implementation of the Phase II LDRs; and

3) The Board received a request from the regulated community that we add the January 3, 1995 amendments to those of September 19, 1994. (See "Expedited Consideration" below.)

The Board also notes that the January 3 amendments occurred within six months of the earliest amendments included in this docket, even if they occurred outside the nominal time-frame of the docket. We included the May 19 amendments because they solely directly affect the effective date of principal amendments within this docket.

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Specifically, the amendments to Part 723 were intended to remove one of the last cross-references to 35 Ill. Adm. Code 700.106 for an effective date in the source note to Section 723.130. The Board further used this opportunity to make minor corrective and clarifying amendments to the text of the open provision.

- 16) Information and questions regarding this adopted amendment shall be directed to:

Michael J. McCambridge
Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60610
(312) 814-6924

Request copies of the Board's opinion and order of June 1, 1995 and supplemental opinion and order of June 15, 1995 from Victoria Agyeman, at 312-814-3620.

The full text of the adopted amendments begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE C: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 723

STANDARDS APPLICABLE TO
TRANSPORTERS OF HAZARDOUS WASTE

SUBPART A: GENERAL

Section	Scope
723.110	USEPA Identification Number
723.111	Transfer Facility Requirements
723.112	

SUBPART B: COMPLIANCE WITH THE MANIFEST
SYSTEM AND RECORDKEEPING

Section	The Manifest System
723.120	Compliance with the Manifest
723.121	
723.122	Recordkeeping

SUBPART C: HAZARDOUS WASTE DISCHARGES

Section	Immediate Action
723.130	Discharge Clean Up
723.131	

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/22.4 and 27].

SOURCE: Adopted in R81-22, 43 PCB 427, at 5 Ill. Reg. 9781, effective May 17, 1982; amended and codified in R81-22, 45 PCB 17, at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R84-9, at 9 Ill. Reg. 11961, effective July 24, 1985; amended in R86-19, at 10 Ill. Reg. 20718, effective December 2, 1986; amended in R86-46 at 11 Ill. Reg. 13570, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19412, effective November 12, 1987; amended in R95-6 at 19 Ill. Reg. **99454**, effective **JUN 27 1995**.

SUBPART C: HAZARDOUS WASTE DISCHARGES

Section 723.130 Immediate Action

- a) In the event of a discharge of hazardous waste during transportation, the transporter must take appropriate immediate action to protect human health and the environment (e.g., notify local authorities, dike

POLLUTION CONTROL BOARD
NOTICE OF ADOPTED AMENDMENTS

- c) the discharge area).
- d) If a discharge of hazardous waste occurs during transportation and an official (of State, local government or of a Federal Agency) acting within the scope of his or her official responsibilities determines that immediate removal of the waste is necessary to protect human health or the environment, that official may authorize the removal of the waste by transporters who that do not have U.S. EPA identification numbers and without the preparation of a manifest.
- e) An air, rail, highway, or water transporter who that has discharged hazardous waste must:
- 1) Give notice---if---required---by---49---CFR---171.15, to the National Response Center (800-424-8802 or 202-426-2675), if required by 49 CFR 171.15; and
- 2) Report in writing as required by 49 CFR 171.16 to the Director, Office of Hazardous Materials Regulations, Materials Transportation Bureau, Department of Transportation, Washington, D.C. 20590, as required by 49 CFR 171.16; and
- 3) give notice to:
- Emergency---Services---and---Disaster---Agency,---110---E---Adams, Springfield, IL 62206; A-6-217-782-7860; Illinois Emergency Management Agency 110 East Adams Springfield, Illinois 62706 217-782-7860
- d) A water (bulk shipment) transporter who that has discharged hazardous waste must give the same notice as required by 33 CFR 153.203 for oil and hazardous substances.

(Source: Amended at 19 Ill. Reg. 9945, effective JUN 27 1995)

POLLUTION CONTROL BOARD
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- 1) Heading of the Part: Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities
- 2) Code citation: 35 Ill. Adm. Code 724
- 3) Section numbers: Adopted action:
- | | |
|---------------------------|-----------------------|
| 724.101, 724.113, 724.115 | Amended |
| 724.156, 724.173, 724.177 | Amended |
| 724.279 | New Section |
| 724.300 | Repealed, New Section |
| 724.332 | New Section |
| 724.701, 724.933, 724.963 | Amended |
| 724.980, 724.981, 724.982 | New Section |
| 724.983, 724.984, 724.985 | New Section |
| 724.986, 724.987, 724.988 | New Section |
| 724.989, 724.990, 724.991 | New Section |
| 724.1102 | Amended |
- 4) Statutory authority: 415 ILCS 5/13(c), 22.4 and 27.
- 5) Effective date of amendments: June 27, 1995
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? Yes. 35 Ill. Adm. Code 720.111 is the centralized listing of all documents incorporated by reference for the purposes of the Illinois UIC and RCRA Subtitle C programs (35 Ill. Adm. Code 702 through 705, 720 through 726, 728, 730, 738 & 739). The present amendments included revisions to the references in that Section. Most of the amendments involved updates to analytical methods.
- 8) Date filed in Board's principal office: Opinion and order adopted June 1, 1995 and supplemental opinion and order adopted June 15, 1995.
- 9) Notice of proposal published in Illinois Register: March 24, 1995, 19 Ill. Reg. 4215
- 10) Has JCER issued a Statement of Objections to these rules? No

Sections 13(c) and 22.4(a) of the Environmental Protection Act [415 ILCS 5/13(c) & 22.4(a)] provide that Section 5 of the Administrative Procedure Act [5 ILCS 100/5-35 and 5-40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCER. However, JCER staff has reviewed the text of the amendments and recommended several minor revisions, as indicated in the table under question 11.

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NOTICE OF ADOPTED AMENDMENTS.

- 11) Differences between proposal and final version: The Board has made many revisions to the text of the amendments, most of which were in response to public comments. The revisions are tabulated in summary fashion below. The source of the revisions to each segment of the amendments is indicated by the notations, where (A) denotes the Illinois EPA (Agency), (B) denotes the Board, (C) denotes a commentator, (J) denotes JCAR, (S) denotes the Secretary of State, and (U) denotes U.S. EPA.

Section (Source)	Board Action
724. Table of Contents (B)	Correct capitalization for 724.1102
724. Authority Note (J)	Correct reference to R92-1
724.104(g)(6) (J)	Correct end punctuation
724.115(b)(4) (J)	Correct punctuation of series
724.115 Source Note (S,J)	Add source note
724.156(d)(2) (J)	Correct CFR cite format
724.173(b)(6) (J)	Correct end punctuation
724.173(b)(15) (J)	Correct end punctuation
724.173 Source Note (S,J)	Add source note
724.300 Source Note (J)	Correct source note
724.933(m)(1) (J)	Correct cross-reference to "724.Subpart X"
724.963(d) (J)	Correct punctuation of series
724.980 heading (S)	Underline heading
724.980(a) & Board Note, (b)(1) & (c) (B,C)	Add language relating to delayed effective date and possible future federal action
724.982(c)(2)(E)(ii) (J)	Plural "Sections"
724.982(b)(i)(B)(i) (J)	Add comma for parenthetical

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- 724.983 heading (J,S) Underline heading
- 724.984(c)(4)(B) (J) Capitalize "Hg"
- 724.985(d)(1)(B) (J) Correct subsection label
- 724.986(b)(1)(A) (J,B) Correct CFR cite format
- 724.986(b)(1)(B)(i) (J) Correct end punctuation
- 724.986(b)(1)(B)(ii) (J,B) Correct CFR cite format, add comma for parenthetical
- 724.986(b)(1)(C) (J,B) Correct CFR cite format
- 724.987(b)(2) (J) Correct end punctuation
- 724.988(b)(2) (J) Add comma after "e.g."
- 724.989(a)(1) & (a)(11) (J) Correct cross-references to "724.984(b)(2) or (b)(3)"
- 724.989(h) (J,B) Correct CFR cite format
- 724.990(a) (B) Change "which" to "that"
- 724.1102 heading (B,S,J) Correct capitalization
- 12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreement letter issued by JCAR? Sections 13(c) and 22.4(a) of the Environmental Protection Act provide that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.
- 13) Will these amendments replace an emergency amendment currently in effect? No
- 14) Are there any other amendments pending on this Part? No
- 15) Summary and purpose of amendments: A more detailed description is contained in the Board's opinion and order of June 1, 1995 and supplemental opinion and order of June 15, 1995 in R95-4/R95-6, which supplement opinion and supplemental opinion and order are available from the address below. Sections 13(c) and 22.4 of the Environmental Protection Act provide that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of

POLLUTION CONTROL BOARD

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the APA, it is not subject to First Notice or to Second Notice review by JCAR.

This rulemaking updates the Board's RCRA Subtitle C and UIC rules to correspond with amendments adopted by U.S. EPA that appeared in the Federal Register during the period July 1 through December 31, 1994 and January 3 and May 19, 1995. The USEPA actions during this period were as follows:

Federal Action Summary

59 Fed. Reg. 38536, July 28, 1994
Exclusion from definition of solid waste for certain in-process recycled secondary materials used by the petroleum refining industry

59 Fed. Reg. 43496, August 24, 1994
Withdrawal of exemption from Subtitle C regulation of slag residues from high temperature metal recovery (HTMR) of electric arc furnace dust (K061), steel finishing pickle liquor (K062), and electroplating sludges (F006) that are used in a manner constituting disposal

59 Fed. Reg. 47980, September 19, 1994
Restoration of text from 40 CFR 268.7(a) inadvertently omitted in the amendments of August 31, 1993, at 58 Fed. Reg. 46040

59 Fed. Reg. 47982, September 19, 1994
Phase II land disposal restrictions (LDRs): universal treatment standards for organic toxicity wastes and newly-listed wastes (including underground injection control (UIC) amendments)

59 Fed. Reg. 62896, December 6, 1994
Organic material air emission standards for tanks, surface impoundments, and containers (Subpart CC rules)

In addition to these principal amendments that occurred during the update period, the Board included two additional, later actions:

60 Fed. Reg. 242, January 3, 1995
Corrections to the Phase II land disposal restrictions (universal treatment standards)

POLLUTION CONTROL BOARD

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60 Fed. Reg. 26828, May 19, 1995
Delayed effective date for Subpart CC rules

The January 3 action was an amendment of the September 19, 1994 Phase II LDRs (universal waste rule). U.S. EPA corrected errors and clarified language in the universal treatment standards. The Board did not delay in adding these amendments for three reasons:

1) The January 3, 1995 amendments were corrections and clarifications of the September 19, 1994 regulations, and not new substantive amendments;

2) Prompt action on the January 3, 1995 amendments will facilitate implementation of the Phase II LDRs; and

3) The Board received a request from the regulated community that we add the January 3, 1995 amendments to those of September 19, 1994. (See "Expedited Consideration" below.)

The Board also notes that the January 3 amendments occurred within six months of the earliest amendments included in this docket, even if they occurred outside the nominal time-frame of the docket. We included the May 19 amendments because they solely directly affect the effective date of principal amendments within this docket.

Specifically, the amendments to Part 724 primarily are intended to incorporate the federal air emissions requirements of 40 CFR 264, subpart CC (35 Ill. Adm. Code 265.Subpart CC) for tanks, containers, and surface impoundments into the Illinois hazardous waste regulations. The Board further used this opportunity to make a number of minor corrective and clarifying amendments.

16) Information and questions regarding these adopted amendments shall be directed to:

Michael J. McCambridge
Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60610
(312) 814-6924

Request copies of the Board's opinion and order of June 1, 1995 and supplemental opinion and order of June 15, 1995 from Victoria Agyeman, at 312-814-3620.

The full text of the adopted amendments begins on the next page:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 724

STANDARDS FOR OWNERS AND OPERATORS OF
HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

SUBPART A: GENERAL PROVISIONS

Section
724.101 Purpose, Scope and Applicability
724.103 Relationship to Interim Status Standards

SUBPART B: GENERAL FACILITY STANDARDS

Section
724.110 Applicability
724.111 Identification Number
724.112 Required Notices
724.113 General Waste Analysis
724.114 Security
724.115 General Inspection Requirements
724.116 Personnel Training
724.117 General Requirements for Ignitable, Reactive or Incompatible Wastes
724.118 Location Standards
724.119 Construction Quality Assurance Program

SUBPART C: PREPAREDNESS AND PREVENTION

Section
724.130 Applicability
724.131 Design and Operation of Facility
724.132 Required Equipment
724.133 Testing and Maintenance of Equipment
724.134 Access to Communications or Alarm System
724.135 Required Aisle Space
724.137 Arrangements with Local Authorities

SUBPART D: CONTINGENCY PLAN AND EMERGENCY PROCEDURES

Section
724.150 Applicability
724.151 Purpose and Implementation of Contingency Plan
724.152 Content of Contingency Plan
724.153 Copies of Contingency Plan
724.154 Amendment of Contingency Plan

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724.155 Emergency Coordinator
724.156 Emergency Procedures

SUBPART E: MANIFEST SYSTEM, RECORDKEEPING AND REPORTING

Section
724.170 Applicability
724.171 Use of Manifest System
724.172 Manifest Discrepancies
724.173 Operating Record
724.174 Availability, Retention and Disposition of Records
724.175 Annual Report
724.176 Unmanifested Waste Report
724.177 Additional Reports

SUBPART F: RELEASES FROM SOLID WASTE MANAGEMENT UNITS

Section
724.190 Applicability
724.191 Required Programs
724.192 Groundwater Protection Standard
724.193 Hazardous Constituents
724.194 Concentration Limits
724.195 Point of Compliance
724.196 Compliance Period
724.197 General Groundwater Monitoring Requirements
724.198 Detection Monitoring Program
724.199 Compliance Monitoring Program
724.200 Corrective Action Program
724.201 Corrective Action for Solid Waste Management Units

SUBPART G: CLOSURE AND POST-CLOSURE

Section
724.210 Applicability
724.211 Closure Performance Standard
724.212 Closure Plan; Amendment of Plan
724.213 Closure; Time Allowed For Closure
724.214 Disposal or Decontamination of Equipment, Structures and Soils
724.215 Certification of Closure
724.216 Survey Plat
724.217 Post-closure Care and Use of Property
724.218 Post-closure Plan; Amendment of Plan
724.219 Post-closure Notices
724.220 Certification of Completion of Post-closure Care

SUBPART H: FINANCIAL REQUIREMENTS

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NOTICE OF ADOPTED AMENDMENTS

724.402	Action Leakage Rate
724.403	Monitoring and Inspection
724.404	Response Actions
724.409	Surveying and Recordkeeping
724.410	Closure and Post-closure Care
724.412	Special Requirements for Ignitable or Reactive Waste
724.413	Special Requirements for Incompatible Wastes
724.414	Special Requirements for Bulk and Containerized Liquids
724.415	Special Requirements for Containers
724.416	Disposal of Small Containers of Hazardous Waste in Overpacked Drums (Lab Packs)
724.417	Special Requirements for Hazardous Wastes F020, F021, F022, F023, F026 and F027

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AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act (415 ILCS 5/22.4 and 27).

SOURCE: Adopted in R82-19, 53 PCB 131, at 7 Ill. Reg. 14059, effective October 12, 1983; amended in R84-9 at 9 Ill. Reg. 11964, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1136, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14119, effective August 12, 1986; amended in R86-28 at 11 Ill. Reg. 6138, effective March 24, 1987; amended in R86-28 at 11 Ill. Reg. 8684, effective April 21, 1987; amended in R86-46 at 11 Ill. Reg. 13577, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19397, effective November 12, 1987; amended in R87-39 at 12 Ill. Reg. 13135, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 458, effective December 28, 1988; amended in R89-1 at 13 Ill. Reg. 18527, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. 14511, effective August 22, 1990; amended in R90-10 at 14 Ill. Reg. 16658, effective September 25, 1990; amended in R90-11 at 15 Ill. Reg. 9654, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14572, effective October 1, 1991; amended in R91-13 at 16 Ill. Reg. 9833, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17702, effective November 6, 1992; amended in R92-10 at 17 Ill. Reg. 5806, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20830, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6973, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12487, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17641, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9951, effective **JUN 27 1995**.

NOTE: In this Part, superscript numbers or letters are denoted by parentheses; subscript are denoted by brackets.

SUBPART A: GENERAL PROVISIONS

Section 724.101 Purpose, Scope and Applicability

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- a) The purpose of this Part is to establish minimum standards **which** that define the acceptable management of hazardous waste.
- b) The standards in this Part apply to owners and operators of all facilities **which** treat, store, or dispose of hazardous waste, except as specifically provided otherwise in this Part or 35 Ill. Adm. Code 721.
- c) The requirements of this Part apply to a person disposing of hazardous waste by means of ocean disposal subject to a permit issued under the Marine Protection, Research and Sanctuaries Act (16 U.S.C. 1431-1434, 33 U.S.C. 1401) only to the extent they are included in a RCRA permit by rule granted to such a person under 35 Ill. Adm. Code 703.141. A "RCRA permit" is a permit required by Section 21(f) of the Environmental Protection Act and 35 Ill. Adm. Code 703.121.
- BOARD NOTE:** This Part does apply to the treatment or storage of hazardous waste before it is loaded onto an ocean vessel for incineration or disposal at sea.
- d) The requirements of this Part apply to a person disposing of hazardous waste by means of underground injection subject to a permit issued by the Agency pursuant to Section 12(g) of the Environmental Protection Act only to the extent they are required by 35 Ill. Adm. Code 704.7-Subpart F.
- BOARD NOTE:** This Part does apply to the above-ground treatment or storage of hazardous waste before it is injected underground.
- e) The requirements of this Part apply to the owner or operator of a POTW (publicly owned treatment works) **which** that treats, stores, or disposes of hazardous waste only to the extent included in a RCRA permit by rule granted to such a person under 35 Ill. Adm. Code 703.141.
- f) This subsection corresponds with 40 CFR 264.1(f), which provides that the federal regulations do not apply to T/S/D activities in authorized states, except under limited, enumerated circumstances. This statement maintains structural consistency with U.S. EPA rules.
- g) The requirements of this Part do not apply to:
- 1) The owner or operator of a facility permitted by the Agency under Section 21 of the Environmental Protection Act to manage municipal or industrial solid waste, if the only hazardous waste the facility treats, stores, or disposes of is excluded from regulation under this Part by 35 Ill. Adm. Code 721.105.
- BOARD NOTE:** The owner or operator may be subject to 35 Ill. Adm. Code 807 and may have to have a supplemental permit under 35 Ill. Adm. Code 807.210.
- 2) The owner or operator of a facility managing recyclable materials described in 35 Ill. Adm. Code 721.106(a)(2) through (a)(4) (except to the extent that requirements of this Part are referred to in 35 Ill. Adm. Code 726.Subparts C, F, G, or H or 35 Ill. Adm. Code 739).
 - 3) A generator accumulating waste on-site in compliance with 35 Ill. Adm. Code 722.134.

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- 4) A farmer disposing of waste pesticides from the farmer's own use in compliance with 35 Ill. Adm. Code 722.170.
- 5) The owner or operator of a totally enclosed treatment facility, as defined in 35 Ill. Adm. Code 720.110.
- 6) The owner or operator of an elementary neutralization unit or a wastewater treatment unit, as defined in 35 Ill. Adm. Code 720.110, provided that if the owner or operator is diluting hazardous ignitable (D001) wastes (other than the D001 High TOC Subcategory defined in 35 Ill. Adm. Code 728.701(b)(7) or ~~corrosive--D002~~ reactive (D003) waste to remove the characteristic before land disposal, the owner or operator must comply with the requirements set out in Section 724.117(b)--~~of this part.~~
- 7) Immediate response:
- A) Except as provided in subsection (a)(1) through (g)(8)(B) below, a person engaged in treatment or containment activities during immediate response to any of the following situations:
- A discharge of a hazardous waste;
 - An imminent and substantial threat of a discharge of hazardous waste;
 - A discharge of a material that ~~which~~ when discharged becomes a hazardous waste when discharged.

- B) An owner or operator of a facility otherwise regulated by this Part must comply with all applicable requirements of Subparts 724.Subparts C and D.
- C) Any person ~~who~~ that is covered by subsection (a)(1) through (g)(8)(A) above and ~~who~~ that continues or initiates hazardous waste treatment or containment activities after the immediate response is over is subject to all applicable requirements of this Part and 35 Ill. Adm. Code 702, 703, and 705 for those activities. ~~or~~
- 8) A transporter storing manifested shipments of hazardous waste in containers meeting the requirements of 35 Ill. Adm. Code 722.130 at a transfer facility for a period of ten days or less.
- 9) The addition of absorbent materials to waste in a container (as defined in 35 Ill. Adm. Code 720) or the addition of waste to absorbent material in a container, provided these actions occur at the time waste is first placed in the container, and Sections 724.117(b), 724.271, and 724.272 are complied with.

- h) This Part applies to owners and operators of facilities ~~which~~ that treat, store, or dispose of hazardous wastes referred to in 35 Ill. Adm. Code 728.

(Source: ~~2/7/85~~ at 19 Ill. Reg. 99.51, effective

SUBPART B: GENERAL FACILITY STANDARDS

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Section 724.113 General Waste Analysis

a) Analysis:

- Before an owner or operator treats, stores, or disposes of any hazardous wastes, or non-hazardous wastes if applicable under Section 724.213(d), the owner or operator shall obtain a detailed chemical and physical analysis of a representative sample of the wastes. At a minimum, the analysis must contain all the information ~~which~~ that must be known to treat, store, or dispose of the waste in accordance with this Part and 35 Ill. Adm. Code 728.
- The analysis may include data developed under 35 Ill. Adm. Code 721, and existing published or documented data on the hazardous waste or on hazardous waste generated from similar processes.
BOARD NOTE: For example, the facility's records of analyses performed on the waste before the effective date of these regulations, or studies conducted on hazardous waste generated from processes similar to that which generated the waste to be managed at the facility, may be included in the data base required to comply with subsection (a)(1) above. The owner or operator of an off-site facility may arrange for the generator of the hazardous waste to supply part or all of the information required by subsection (a)(1) above, except as otherwise specified in 35 Ill. Adm. Code 728.107(b) and (c). If the generator does not supply the information, and the owner or operator chooses to accept a hazardous waste, the owner or operator is responsible for obtaining the information required to comply with this Section.
- The analysis must be repeated as necessary to ensure that it is accurate and up to date. At a minimum, the analysis must be repeated:
 - When the owner or operator is notified, or has reason to believe, that the process or operation generating the hazardous waste, or non-hazardous waste if applicable under Section 724.213(d), has changed; and
 - For off-site facilities, when the results of the inspection required in subsection (a)(4) below indicate that the hazardous waste received at the facility does not match the waste designated on the accompanying manifest or shipping paper.

- The owner or operator of an off-site facility shall inspect and, if necessary, analyze each hazardous waste ~~movement~~ shipment received at the facility to determine whether it matches the identity of the waste specified on the accompanying manifest or shipping paper.
- The owner or operator shall develop and follow a written waste analysis plan ~~which~~ that describes the procedures ~~which~~ that it will carry out to comply with subsection (a) above. The owner or operator

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shall keep this plan at the facility. At a minimum, the plan must specify:

- 1) The parameters for which each hazardous waste, or non-hazardous waste if applicable under Section 724.213(d), will be analyzed and the rationale for the selection of these parameters (i.e., now analysis for these parameters will provide sufficient information on the waste's properties to comply with subsection (a) above).
- 2) The test methods which that will be used to test for these parameters.
- 3) The sampling method which that will be used to obtain a representative sample of the waste to be analyzed. A representative sample may be obtained using either:
 - A) One of the sampling methods described in 35 Ill. Adm. Code 721.107. And
 - B) An equivalent sampling method.

BOARD NOTE: See 35 Ill. Adm. Code 720.121 ~~for related discussion.~~

- 4) The frequency with which the initial analysis of the waste will be reviewed or repeated to ensure that the analysis is accurate and up to date.
 - 5) For off-site facilities, the waste analyses that hazardous waste generators have agreed to supply.
 - 6) Where applicable, the methods which that will be used to meet the additional waste analysis requirements for specific waste management methods as specified in Sections 724.117, 724.414, 724.441, 724.934(d), and 724.963(d), and 724.983 and 35 Ill. Adm. Code 728.107. And
 - 7) For surface impoundments exempted from land disposal restrictions under 35 Ill. Adm. Code 728.104(a), the procedures and schedules for:
 - A) The sampling of impoundment contents;
 - B) The analysis of test data; and
 - C) The annual removal of residues which that are not delisted under 35 Ill. Adm. Code 720.122 or which exhibit a characteristic of hazardous waste and either:
 - i) Do not meet applicable treatment standards of 35 Ill. Adm. Code 728.Subpart D; or
 - ii) Where no treatment standards have been established.
- Such such residues are prohibited from land disposal under 35 Ill. Adm. Code 728.132 or 728.139; or such residues are prohibited from land disposal under 35 Ill. Adm. Code 728.133(f).
- 8) For owners and operators seeking an exemption to the air emission standards of 724.Subpart CC in accordance with Section 724.982:
 - A) The procedures and schedules for waste sampling and analysis and the analysis of test data to verify the exemption, and
 - B) Each generator's notice and certification of the volatile

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organic concentration in the waste if the waste is received from off site.

- c) For off-site facilities, the waste analysis plan required in subsection (b) above must also specify the procedures which that will be used to inspect and, if necessary, analyze each movement shipment of hazardous waste received at the facility to ensure that it matches the identity of the waste designated on the accompanying manifest or shipping paper. At a minimum, the plan must describe:
 - 1) The procedures which that will be used to determine the identity of each movement of waste managed at the facility; and
 - 2) The sampling method which that will be used to obtain a representative sample of the waste to be identified, if the identification method includes sampling; and
 - 3) The procedures that the owner or operator of an off-site landfill receiving containerized hazardous waste will use to determine whether a hazardous waste generator or treater has added a biodegradable sorbent to the waste in the container.

BOARD NOTE: 35 Ill. Adm. Code 7037 requires that the waste analysis plan be submitted with Part B of the permit application.

(Source: Amended at 29 Ill. Reg. 9951, effective JUN 27 1995)

Section 724.115 General Inspection Requirements

- a) The owner or operator shall conduct inspections often enough to identify problems in time to correct them before they harm human health or the environment. The owner or operator shall inspect the facility for malfunctions and deterioration, operator errors, and discharges which that may be causing or may lead to:
 - 1) Release of hazardous waste constituents to the environment; or
 - 2) A threat to human health.
- b) Inspection schedule.
 - 1) The owner or operator shall develop and follow a written schedule for inspecting monitoring equipment, safety and emergency equipment, security devices, and operating and structural equipment (such as dikes and sump pumps) that are important to preventing, detecting, or responding to environmental or human health hazards.
 - 2) The owner or operator shall keep this schedule at the facility.
 - 3) The schedule must identify the types of problems (e.g., malfunctions or deterioration) which that are to be looked for during the inspection (e.g., inoperative sump pump, leaking fitting, eroding dike, etc.).
 - 4) The frequency of inspection may vary for the items on the schedule. However, it should be based on the rate of deterioration of the equipment and the probability of an environmental or human health incident if the deterioration,

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malfunction or any operator error goes undetected between inspections. Areas subject to spills, such as loading and unloading areas, must be inspected daily when in use. At a minimum, the inspection schedule must include the items and frequencies called for in Sections 724.274, 724.293, 724.295, 724.326, 724.354, 724.378, 724.403, 724.447, 724.702, 724.933, 724.952, 724.953, and 724.958, 724.988, and 724.991(b), where applicable.

BOARD NOTE: 35 Ill. Adm. Code 703 requires the inspection schedule to be submitted with Part B of the permit application. The Agency ~~will~~ must evaluate the schedule along with the rest of the application to ensure that it adequately protects human health and the environment. As part of this review, the Agency may modify or amend the schedule as may be necessary.

c) The owner or operator shall remedy any deterioration or malfunction of equipment or structures ~~which~~ that the inspection reveals on a schedule which ensures that the problem does not lead to an environmental or human health hazard. Where a hazard is imminent or has already occurred, remedial action must be taken immediately.

d) The owner or operator shall record inspections in an inspection log or summary. The owner or operator shall keep these records for at least three years from the date of inspection. At a minimum, these records must include the date and time of the inspection, the name of the inspector, a notation of the observations made and the date, and nature of any repairs or other remedial actions.

(Source: Amended at 19 Ill. Reg. 9951, effective JUN 27 1995)

SUBPART D: CONTINGENCY PLAN AND EMERGENCY PROCEDURES

Section 724.156 Emergency Procedures

a) Whenever there is an imminent or actual emergency situation, the emergency coordinator (or the designee when the emergency coordinator is on call) shall immediately:

- 1) Activate internal facility alarms or communication systems, where applicable, to notify all facility personnel; and
- 2) Notify appropriate state or local agencies with designated response roles if their help is needed.

b) Whenever there is a release, fire, or explosion, the emergency coordinator shall immediately identify the character, exact source, amount, and areal extent of any released materials. The emergency coordinator may do this by observation or review of facility records or manifests and, if necessary, by chemical analysis.

c) Concurrently, the emergency coordinator shall assess possible hazards to human health or the environment that may result from the release, fire, or explosion. This assessment must consider both direct and

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indirect effects of the release, fire, or explosion (e.g., the effects of any toxic, irritating, or asphyxiating gases that are generated, or the effects of any hazardous surface water run-off from water or chemical agents used to control fire and heat-induced explosions).

d) If the emergency coordinator determines that the facility has had a release, fire, or explosion that could threaten human health or the environment outside the facility, the emergency coordinator shall report the findings as follows:

1) If the assessment indicates that evacuation of local areas may be advisable, the emergency coordinator shall immediately notify appropriate local authorities. The emergency coordinator must be available to help appropriate officials decide whether local areas should be evacuated; and

2) The emergency coordinator shall immediately notify either the government official designated as the on-scene coordinator for that geographical area (in the applicable regional contingency plan under 40 CFR Part 300) or the National Response Center (using their 24-hour toll free number 800-424-8802). The report must include:

- A) Name and telephone number of reporter;
- B) Name and address of facility;
- C) Time and type of incident (e.g., release, fire);
- D) Name and quantity of ~~materials~~ material involved, to the extent known;
- E) The extent of injuries, if any; and
- F) The possible hazards to human health or the environment outside the facility.

e) During an emergency, the emergency coordinator shall take all reasonable measures necessary to ensure that fires, explosions, and releases do not occur, recur, or spread to other hazardous waste at the facility. These measures must include, where applicable, stopping processes and operations, collecting and containing release waste, and removing or isolating containers.

f) If the facility stops operations in response to a fire, explosion, or release, the emergency coordinator shall monitor for leaks, pressure buildup, gas generation, or ruptures in valves, pipes, or other equipment, wherever this is appropriate.

g) Immediately after an emergency, the emergency coordinator shall provide for treating, storing, or disposing of recovered waste, contaminated soil or surface water, or any other material that results from a release, fire, or explosion at the facility.

BOARD NOTE: Unless the owner or operator can demonstrate, in accordance with 35 Ill. Adm. Code 721.103(e) (d) or (e), that the recovered material is not a hazardous waste, the owner or operator becomes a generator of hazardous waste and shall manage it in accordance with all applicable requirements of 35 Ill. Adm. Code 722, 723, and 724.

h) The emergency coordinator shall ensure that in the affected ~~area(s)~~

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areas of the facility:

- 1) No waste that may be incompatible with the released material is treated, stored, or disposed of until cleanup procedures are completed; and
- 2) All emergency equipment listed in the contingency plan is cleaned and fit for its intended use before operations are resumed.
- i) The owner or operator shall notify the Agency and appropriate state and local authorities that the facility is in compliance with ~~paragraph~~ subsection (h) above before operations are resumed in the affected ~~areas~~ areas of the facility.
- j) The owner or operator shall note in the operating record the time, date, and details of any incident that requires implementing the contingency plan. Within 15 days after the incident, the owner or operator shall submit a written report on the incident to the Agency. The report must include:
 - 1) Name, address, and telephone number of the owner or operator;
 - 2) Name, address, and telephone number of the facility;
 - 3) Date, time, and type of incident (e.g., fire, explosion);
 - 4) Name and quantity of ~~materials~~ materials involved;
 - 5) The extent of injuries, if any;
 - 6) An assessment of actual or potential hazards to human health or the environment, where this is applicable; and
 - 7) Estimated quantity and disposition of recovered material that resulted from the incident.

(Source: Amended at 19 Ill. Reg. 9951, effective JUN 27 1995)

SUBPART E: MANIFEST SYSTEM, RECORDKEEPING AND REPORTING

Section 724.173 Operating Record

- a) The owner or operator shall keep a written operating record at the facility.
 - b) The following information must be recorded, as it becomes available and maintained in the operating record until closure of the facility:
 - 1) A description and the quantity of each hazardous waste received, and the method or methods and date or dates of its treatment, storage, or disposal at the facility, as required by Section 724.Appendix A;
 - 2) The location of each hazardous waste within the facility and the quantity at each location. For disposal facilities, the location and quantity of each hazardous waste must be recorded on a map or diagram of each cell or disposal area. For all facilities, this information must include cross-references to specific manifest document numbers, if the waste was accompanied by a manifest;
- BOARD NOTE: See Section 724.219 for related requirements.
- 3) Records and results of waste analyses and waste determinations

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- performed as specified in Sections 724.113, 724.117, 724.414, 724.441, 724.934, 724.963, and 724.983 and in 35 Ill. Adm. Code 728.104(a) and 728.107;
- 4) Summary reports and details of all incidents that require implementing the contingency plan, as specified in Section 724.156(j);
 - 5) Records and results of inspections, as required by Section 724.115(d) (except these data need to be kept only three years);
 - 6) Monitoring, testing, or analytical data and corrective action data where required by 24-Subpart F or Sections 724.119, 724.291, 724.293, 724.295, 724.322, 724.323, 724.326, 724.352 through 724.354, 724.376, 724.378, 724.380, 724.402 through 724.404, 724.409, 724.447, 724.702, 724.934(c) through (f), 724.935, 724.963(d) through (i), or 724.964, 724.988, 724.989, and 724.991;
 - 7) For off-site facilities, notices to generators as specified in Section 724.112(b);
 - 8) All closure cost estimates under Section 724.242 and, for disposal facilities, all post-closure cost estimates under Section 724.244;
 - 9) A certification by the permittee, no less often than annually: that the permittee has a program in place to reduce the volume and toxicity of hazardous waste that the permittee generates, to the degree the permittee determines to be economically practicable, and that the proposed method of treatment, storage, or disposal is that practicable method currently available to the permittee which that minimizes the present and future threat to human health and the environment;
 - 10) Records of the quantities (and date of placement) for each shipment of hazardous waste placed in land disposal units under an extension of the effective date of any land disposal restriction granted pursuant to 35 Ill. Adm. Code 728.105, a petition to 35 Ill. Adm. Code 728.106 or a certification under 35 Ill. Adm. Code 728.108, and the applicable notice required of a generator under 35 Ill. Adm. Code 728.107(a);
 - 11) For an off-site treatment facility, a copy of the notice, and the certification and demonstration, if applicable, required of the generator or the owner or operator under 35 Ill. Adm. Code 728.107 or 728.108;
 - 12) For an on-site treatment facility, the information contained in the notice (except the manifest number), and the certification and demonstration, if applicable, required of the generator or the owner or operator under 35 Ill. Adm. Code 728.107 or 728.108;
 - 13) For an off-site land disposal facility, a copy of the notice, and the certification and demonstration, if applicable, required of the generator or the owner or operator of a treatment facility under 35 Ill. Adm. Code 728.107 or 728.108, whichever is applicable; and

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- 14) For an on-site land disposal facility, the information contained in the notice required of the generator or owner or operator of a treatment facility under 35 Ill. Adm. Code 728.107, except for the manifest number, and the certification and demonstration if applicable, required under 35 Ill. Adm. Code 728.108 whichever is applicable.
- 15) For an off-site storage facility, a copy of the notice, and the certification and demonstration if applicable, required of the generator or the owner or operator under 35 Ill. Adm. Code 728.107 or 728.108; and
- 16) For an on-site storage facility, the information contained in the notice (except the manifest number), and the certification and demonstration if applicable, required of the generator or the owner or operator under 35 Ill. Adm. Code 728.107 or 728.108.

(Source: JUN 27 1995 at 19 Ill. Reg. 99 51, effective JUN 27 1995)

Section 724.177 Additional Reports

In addition to submitting the annual report and unmanifested waste reports described in Sections 724.175 and 724.176, the owner or operator shall also report to the Agency:

- a) Releases, fires, and explosions, as specified in Section 724.156(j);
- b) Facility closures specified in Section 724.215; and
- c) As otherwise required by 724.Subparts F, K through N, AA, and BB, and CC.

(Source: Amended at 19 Ill. Reg. 99 51, effective JUN 27 1995)

SUBPART I: USE AND MANAGEMENT OF CONTAINERS

Section 724.279 Air Emission Standards

The owner or operator shall manage all hazardous waste placed in a container in accordance with the requirements of 724.Subpart CC.

(Source: Added at 19 Ill. Reg. 99 51, effective JUN 27 1995)

SUBPART J: TANK SYSTEMS

Section 724.300 ~~Specific Requirements for Hazardous Wastes~~ 724.300 Specific Requirements for Hazardous Wastes ~~724.300~~ 724.300

~~in addition to the other requirements of this Subpart, the following Requirements apply to tanks storing or treating hazardous wastes~~ 724.300

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~~724.300~~ 724.300

- a) ~~Tanks must have systems designed and operated to detect and adequately contain spills or leaks, the design and operation of any containment system must reflect consideration of all relevant factors, including:~~
- 1) ~~Capacity of the tank;~~
- 2) ~~Volumes and characteristics of wastes stored or treated in the tank;~~
- 3) ~~Method of collection of spills or leaks;~~
- 4) ~~The design and construction materials of the tank and containment system; and~~
- 5) ~~The need to prevent precipitation and run-on from entering into the system;~~
- b) ~~As part of the contingency plan required by Subpart B, the owner or operator shall specify such procedures for responding to a spill or leak from the tank into the containment system as may be necessary to protect human health and the environment, these procedures must include measures for immediate removal of the waste from the system and replacement or repair of the leaking tank.~~

The owner or operator shall manage all hazardous waste placed in a tank in accordance with the requirements of 724.Subpart CC.

(Source: Section repealed, new Section added at 19 Ill. Reg. 99 51, effective JUN 27 1995)

SUBPART K: SURFACE IMPOUNDMENTS

Section 724.332 Air Emission Standards

The owner or operator shall manage all hazardous waste placed in a surface impoundment in accordance with the requirements of 724.Subpart CC.

(Source: Added at 19 Ill. Reg. 99 51, effective JUN 27 1995)

SUBPART X: MISCELLANEOUS UNITS

Section 724.701 Environmental Performance Standards

A miscellaneous unit must be located, designed, constructed, operated, maintained, and closed in a manner that will ensure protection of human health and the environment. Permits for miscellaneous units are to contain such terms and provisions as are necessary to protect human health and the environment, including, but not limited to, as appropriate, design and operating requirements, detection and monitoring requirements, and requirements for responses to releases of hazardous waste or hazardous constituents from the unit. Permit terms and provisions must include those requirements of 724.Subparts I through O and AA through CC and of 35 Ill. Adm. Code 702, 703, and 730, that are appropriate for the miscellaneous unit being permitted.

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Protection of human health and the environment includes, but is not limited to:

a) Prevention of any releases that may have adverse effects on human health or the environment due to migration of waste constituents in the groundwater of subsurface environment, considering:

- 1) The volume and physical and chemical characteristics of the waste in the unit, including its potential for migration through soil, liners, or other containing structures;
 - 2) The hydrologic and geologic characteristics of the unit and the surrounding area;
 - 3) The existing quality of groundwater, including other sources of contamination and their cumulative impact on the groundwater;
 - 4) The quantity and direction of groundwater flow;
 - 5) The proximity to and withdrawal rates of current and potential groundwater users;
 - 6) The patterns of land use in the region;
 - 7) The potential for deposition or migration of waste constituents into subsurface physical structures and into the root zone of food-chain crops and other vegetation;
 - 8) The potential for health risks caused by human exposure to waste constituents; and
 - 9) The potential for damage to domestic animals, wildlife, crops, vegetation, and physical structures caused by exposure to waste constituents.
- b) Prevention of any releases that may have adverse effects on human health or the environment due to migration of waste constituents in surface water, or in wetlands, or on the soil surface, considering:
- 1) The volume and physical and chemical characteristics of the waste in the unit;
 - 2) The effectiveness and reliability of containing, confining, and collecting systems and structures in preventing migration;
 - 3) The hydrologic characteristics of the unit and surrounding area, including the topography of the land around the unit;
 - 4) The patterns of precipitation in the region;
 - 5) The quantity, quality, and direction of groundwater flow;
 - 6) The proximity of the unit to surface waters;
 - 7) The current and potential uses of the nearby surface waters and any water quality standards in 35 Ill. Adm. Code 302 or 303;
 - 8) The existing quality of surface waters and surface soils, including other sources of contamination and their cumulative impact on surface waters and surface soils;
 - 9) The patterns of land use in the region;
 - 10) The potential for health risks caused by human exposure to waste constituents; and
 - 11) The potential for damage to domestic animals, wildlife, crops, vegetation, and physical structures caused by exposure to waste constituents.
- c) Prevention of any release that may have adverse effects on human health or the environment due to migration of waste constituents in

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the air, considering:

- 1) The volume and physical and chemical characteristics of the waste in the unit, including its potential for the emission and dispersal of gases, aerosols, and particulates;
- 2) The effectiveness and reliability of systems and structures to reduce or prevent emissions of hazardous constituents to the air;
- 3) The operating characteristics of the unit;
- 4) The atmospheric, meteorologic, and topographic characteristics of the unit and the surrounding area;
- 5) The existing quality of the air, including other sources of contamination and their cumulative impact on the air;
- 6) The potential for health risks caused by human exposure to waste constituents; and
- 7) The potential for damage to domestic animals, wildlife, crops, vegetation, and physical structures caused by waste constituents.

(Source: Amended at 19 Ill. Reg.

JUN 27 1995 **99 51** effective

SUBPART AA: AIR EMISSION STANDARDS FOR PROCESS VENTS

Section 724.933 Standards: Closed-vent Systems and Control Devices

a) Compliance Required.

- 1) Owners or operators of closed-vent systems and control devices used to comply with provisions of this Part shall comply with the provisions of this Section.
- 2) The owner or operator of an existing facility who that cannot install a closed-vent system and control device to comply with the provisions of this Subpart on the effective date that the facility becomes subject to the provisions of this Subpart shall prepare an implementation schedule that includes dates by which the closed-vent system and control device will be installed and in operation. The controls must be installed as soon as possible, but the implementation schedule may allow up to 18 months after the effective date that the facility becomes subject to this Subpart for installation and startup. All units that begin operation after December 21, 1990, must comply with the rules immediately (i.e., must have control devices installed and operating on startup of the affected unit); the 2-year implementation schedule does not apply to these units.
- b) A control device involving vapor recovery (e.g., a condenser or adsorber) must be designed and operated to recover the organic vapors vented to it with an efficiency of 95 weight percent or greater unless the total organic emission limits of Section 724.932(a)(1) for all affected process vents is attained at an efficiency less than 95 weight percent.

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- c) An enclosed combustion device (e.g., a vapor incinerator, boiler, or process heater) must be designed and operated to reduce the organic emissions vented to it by 95 weight percent or greater; to achieve a total organic compound concentration of 20 ppmv, expressed as the sum of the actual compounds, and not in carbon equivalents, on a dry basis, corrected to 3 percent oxygen; or to provide a minimum residence time of 0.50 seconds at a minimum temperature of 760° C. If a boiler or process heater is used as the control device, then the vent stream must be introduced into the flame zone of the boiler or process heater.

d) Flares:

- 1) A flare must be designed for and operated with no visible emissions, as determined by the methods specified in subsection (e)(1), except for periods not to exceed a total of 5 minutes during any 2 consecutive hours.

- 2) A flare must be operated with a flame present at all times, as determined by the methods specified in subsection (f)(2)(i) and (f)(2)(C) below.

- 3) A flare must be used only if the net heating value of the gas being combusted is 11.2 MJ/scm (300 Btu/scf) or greater ~~if~~ and the flare is steam-assisted or air-assisted, or if the net heating value of the gas being combusted is 7.45 MJ/scm (200 Btu/scf) or greater ~~if~~ and the flare is nonassisted. The net heating value of the gas being combusted must be determined by the methods specified in subsection (e)(2) below.

4) Exit Velocity.

- A) A steam-assisted or nonassisted flare must be designed for an operated with an exit velocity, as determined by the methods specified in subsection (e)(3) below, less than 18.3 m/s (60 ft/s), except as provided in subsections (d)(4)(B) and (e)(4)(C) below.

- B) A steam-assisted or nonassisted flare designed for and operated with an exit velocity, as determined by the methods specified in subsection (e)(3) below, equal to or greater than 18.3 m/s (60 ft/s) but less than 122 m/s (400 ft/s) is allowed if the net heating value of the gas being combusted is greater than 37.3 MJ/scm (1000 Btu/scf).

- C) A steam-assisted or nonassisted flare designed for and operated with an exit velocity, as determined by the methods specified in subsection (e)(3) below, less than the velocity, V_L , as determined by the method specified in subsection (e)(4) below and less than 122 m/s (400 ft/s) is allowed.

- 5) An air-assisted flare must be designed and operated with an exit velocity less than the velocity, V_L , as determined by the method specified in subsection (e)(5) below.

- 6) A flare used to comply with this Section must be steam-assisted, air-assisted, or nonassisted.

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- e) Compliance determination and equations.
- 1) Reference Method 22 in 40 CFR 60, incorporated by reference in 35 Ill. Adm. Code 720.111, must be used to determine the compliance of a flare with the visible emission provisions of this Subpart. The observation period is 2 hours and must be used according to Method 22.
 - 2) The net heating value of the gas being combusted in a flare must be calculated using the following equation:

$$H[T] = K \times \sum_{i=1}^n C[i] \times H[i]$$

Where:

$H[T]$ is the net heating value of the sample in MJ/scm; where the net enthalpy per mole of offgas is based on combustion at 25° C and 760 mm Hg, but the standard temperature for determining the volume corresponding to 1 mole is 20° C.

$K = 1.74 \times 10^{-7}$ (1/ppm)(g mol/scm)(MJ/kcal) where standard temperature for (g mol/scm) 20° C.

$\sum C[i]$ means the sum of the values of X for each component i , from $i=1$ to n .

$C[i]$ is the concentration of sample component i in ppm on a wet basis, as measured for organics by Reference Method 18 in 40 CFR 60, and for carbon monoxide, by ASTM D1946-90, incorporated by reference in 35 Ill. Adm. Code D1946-90, incorporated by reference in 35 Ill. Adm. Code 720.111.

$H[i]$ is the net heat of combustion of sample component i , kcal/gmol at 25° C and 760 mm Hg. The heats of combustion must be determined using ASTM D2382, incorporated by reference in 35 Ill. Adm. Code 720.111, if published values are not available or cannot be calculated.

- 3) The actual exit velocity of a flare must be determined by dividing the volumetric flow rate (in units of standard temperature and pressure), as determined by Reference Methods 2, 2A, 2C, or 2D in 40 CFR 60, incorporated by reference in 35 Ill. Adm. Code 720.111, as appropriate, by the unobstructed (free) cross-sectional area of the flare tip.

- 4) The maximum allowed velocity in m/s, V for a flare complying with subsection (d)(4)(C) must be determined by the following equation:

$$5064V = -4H - 20.87 - 7.3177$$

$$\log(10) V(\max) = H[T] + 28.8$$

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Where:

Log means logarithm to the base 10

H is the net heating value as determined in subsection e)(2).

- 5) The maximum allowed velocity in m/s, V for an air-assisted flare must be determined by the following equation:

$$V = 8.706 - 0.7084H$$

$$V = 8.706 + 0.7084 \times 10[T]$$

Where:

H[T] is the net heating value as determined in subsection (e)(2) below.

- 1) The owner or operator shall monitor and inspect each control device required to comply with this Section to ensure proper operation and maintenance of the control device by implementing the following requirements:

1) Install, calibrate, maintain, and operate according to the manufacturer's specifications a flow indicator that provides a record of stream flow from each affected process vent to the control device at least once every hour. The flow indicator sensor must be installed in the vent stream at the nearest feasible point to the control device inlet but before the point at which the vent streams are combined.

2) Install, calibrate, maintain and operate according to the manufacturer's specifications a device to continuously monitor control device operation as specified below:

A) For a thermal vapor incinerator, a temperature monitoring device equipped with a continuous recorder. The device must have accuracy of $\pm 1 \pm 1$ percent of the temperature being monitored in $^{\circ}\text{C}$ or $^{\circ}\text{F} \pm 0.5^{\circ}\text{C}$, whichever is greater. The temperature sensor must be installed at a location in the combustion chamber downstream of the combustion zone.

B) For a catalytic vapor incinerator, a temperature monitoring device equipped with a continuous recorder. The device must be capable of monitoring temperature at two locations and have an accuracy of $\pm 1 \pm 1$ percent of the temperature being monitored in $^{\circ}\text{C}$ or $^{\circ}\text{F} \pm 0.5^{\circ}\text{C}$, whichever is greater. One temperature sensor must be installed in the vent stream at the nearest feasible point to the catalyst bed inlet and

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a second temperature sensor must be installed in the vent stream at the nearest feasible point to the catalyst bed outlet.

C) For a flare, a heat sensing monitoring device equipped with a continuous recorder that indicates the continuous ignition of the pilot flame.

D) For a boiler or process heater having a design heat input capacity less than 44 MW, a temperature monitoring device equipped with a continuous recorder. The device must have an accuracy of $\pm 1 \pm 1$ percent of the temperature being monitored in $^{\circ}\text{C}$ or $^{\circ}\text{F} \pm 0.5^{\circ}\text{C}$, whichever is greater. The temperature sensor must be installed at a location in the furnace downstream of the combustion zone.

E) For a boiler or process heater having a design heat input capacity greater than or equal to 44 MW, a monitoring device equipped with a continuous recorder to measure ~~parameters~~ parameters that indicates good combustion operating practices are being used.

F) For a condenser, either:
i) A monitoring device equipped with continuous recorder to measure the concentration level of the organic compounds in the exhaust vent stream from the condenser; or

ii) A temperature monitoring device equipped with a continuous recorder. The device must be capable of monitoring temperature at two locations and have an accuracy of $\pm 1 \pm 1$ percent of the temperature being monitored in $^{\circ}\text{C}$ or $^{\circ}\text{F} \pm 0.5^{\circ}\text{C}$, whichever is greater. One temperature sensor must be installed at a location in the exhaust vent stream from the condenser, and a second temperature sensor must be installed at a location in the coolant fluid exiting the condenser.

G) For a carbon adsorption system that regenerates the carbon bed directly in the control device such as a fixed-bed carbon adsorber, either:

i) A monitoring device equipped with a continuous recorder to measure the concentration level of the organic compounds in the exhaust vent stream from the carbon bed, or

ii) A monitoring device equipped with a continuous recorder to measure a parameter that indicates the carbon bed is regenerated on a regular, predetermined time cycle.

3) Inspect the readings from each monitoring device required by subsection (f)(1) and (2) at least once each operating day to check control device operation and, if necessary, immediately implement the corrective measures necessary to ensure the control device operates in compliance with the requirements of this Section.

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g) An owner or operator using a carbon adsorption system such as a fixed-bed carbon adsorber that regenerates the carbon bed directly onsite in the control device shall replace the existing carbon in the control device with fresh carbon at a regular, predetermined time interval that is no longer than the carbon service life established as a requirement of Section 724.935(b)(4)(C)(vi).

h) An owner or operator using a carbon adsorption system such as a carbon canister that does not regenerate the carbon bed directly onsite in the control device shall replace the existing carbon in the control device with fresh carbon on a regular basis by using one of the following procedures:

1) Monitor the concentration level of the organic compounds in the exhaust vent stream from the carbon adsorption system on a regular schedule, and replace the existing carbon with fresh carbon immediately when carbon breakthrough is indicated. The monitoring frequency must be daily or at an interval no greater than 20 percent of the time required to consume the total carbon working capacity established as a requirement of Section 724.935(b)(4)(C)(vii), whichever is longer.

2) Replace the existing carbon with fresh carbon at a regular, predetermined time interval that is less than the design carbon replacement interval established as a requirement of Section 724.935(b)(4)(C)(vii).

i) An alternative operational or process parameter may be monitored if the operator demonstrates that the parameter will ensure that the control device is operated in conformance with these standards and the control device's design specifications.

j) An owner or operator of an affected facility seeking to comply with the provisions of this Part by using a control device other than a thermal vapor incinerator, catalytic vapor incinerator, flare, boiler, process heater, condenser, or carbon adsorption system is required to develop documentation including sufficient information to describe the control device operation and identify the process parameter or parameters that indicate proper operation and maintenance of the control device.

k) Closed vent systems.

1) Closed-vent systems must be designed for an operated with no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background and by visual inspections, as determined by the methods specified at Section 724.934(b).

2) Closed-vent systems must be monitored to determine compliance with this Section during the initial leak detection monitoring, which must be conducted by the date that the facility becomes subject to the provisions of this Section annually, and at other times as specified in the RCRA permit. For the annual leak detection monitoring after the initial leak detection monitoring, the owner or operator is not required to monitor those closed-vent system components that operate in vacuum service or

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those closed-vent system joints, seams, or other connections that are permanently or semi-permanently sealed (e.g., a welded joint between two sections of metal pipe or a bolted and gasketed pipe flange).

3) Detectable emissions, as indicated by an instrument reading greater than 500 ppm and visual inspections, must be controlled as soon as practicable, but not later than 15 calendar days after the emission is detected.

4) A first attempt at repair must be made no later than 5 calendar days after the emission is detected.

1) Closed-vent systems and control devices used to comply with provisions of this Subpart must be operated at all times when emissions may be vented to them.

m) The owner or operator using a carbon adsorption system shall document that all carbon removed from a carbon adsorption system to comply with subsections (g) and (h) above is managed in one of the following manners:

1) It is regenerated or reactivated in a thermal treatment unit that is permitted under 724.Subpart X,

2) It is incinerated by a process that is permitted under 724.Subpart O, or

3) It is burned in a boiler or industrial furnace that is permitted under 724.Subpart H.

(Source: Amended at 19 Ill. Reg. 9951.1, effective JUN 27 1995)

SUBPART BB: AIR EMISSION STANDARDS FOR EQUIPMENT LEAKS

Section 724.963 Test Methods and Procedures

a) Each owner or operator subject to the provisions of this Subpart shall comply with the test methods and procedures requirements provided in this Section.

b) Leak detection monitoring, as required in Sections 724.952 through 724.962, must comply with the following requirements:

1) Monitoring must comply with Reference Method 21 in 40 CFR 60, incorporated by reference in 35 Ill. Adm. Code 720.111.

2) The detection instrument must meet the performance criteria of Reference Method 21.

3) The instrument must be calibrated before use on each day of its use by the procedures specified in Reference Method 21.

4) Calibration gases must be:

A) Zero air (less than 10 ppm of hydrocarbon in air).
B) A mixture of methane or n-hexane and air at a concentration of approximately, but less than 10,000 ppm methane or n-hexane.

5) The instrument probe must be traversed around all potential leak

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interfaces as close to the interface as possible as described in Reference Method 21.

- c) When equipment is tested for compliance with no detectable emissions, as required in Sections 724.952(e), 724.953(i), 724.954, and 724.957(f), the test must comply with the following requirements:

- 1) The requirements of subsections (b)(1) through †† (b)(4) above apply.
- 2) The background level must be determined as set forth in Reference Method 21.
- 3) The instrument probe must be traversed around all potential leak interfaces as close to the interface as possible as described in Reference Method 21.
- 4) This arithmetic difference between the maximum concentration indicated by the instrument and the background level is compared with 500 ppm for determining compliance.

- d) In accordance with the waste analysis plan required by Section 724.113(b), an owner or operator of a facility shall determine, for each piece of equipment, whether the equipment contains or contacts a hazardous waste with organic concentration that equals or exceeds 10 percent by weight using the following:

- 1) Methods described in ASTM Methods B-3267-B-169-B-168-B-260 D 2267-88, E 168-88, E 169-87, and E 260-85, incorporated by reference in 35 Ill. Adm. Code 720.111;

- 2) Method 9060 or 8240 of SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111; or

- 3) Application of the knowledge of the nature of the hazardous waste stream or the process by which it was produced. Documentation of a waste determination by knowledge is required.

Examples of documentation that must be used to support a determination under this provision include production process information documenting that no organic compounds are used, information that the waste is generated by a process that is identical to a process at the same or another facility that has previously been demonstrated by direct measurement to have a total organic content less than 10 percent, or prior speciation analysis results on the same wastestream where it is also documented that no process changes have occurred since that analysis that could affect the waste total organic concentration. An owner or operator determines that a piece of equipment contains or contacts a hazardous waste with organic concentrations at least 10 percent by weight, the determination can be revised only after following the procedures in subsection (d)(1) or †† (d)(2) above.

- f) When an owner or operator and the Agency do not agree on whether a piece of equipment contains or contacts a hazardous waste with organic concentrations at least 10 percent by weight, the procedures in subsection (d)(1) or †† (d)(2) above must be used to resolve the dispute.

- g) Samples used in determining the percent organic content must be

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representative of the highest total organic content hazardous waste that is expected to be contained in or contact the equipment.

- n) To determine if pumps or valves are in light liquid service, the vapor pressures of constituents must either be obtained from standard reference texts or be determined by ASTM B-2679 D 2879-86, incorporated by reference in 35 Ill. Adm. Code 720.111.

- i) Performance tests to determine if a control device achieves 95 weight percent organic emission reduction must comply with the procedures of Section 724.934(c)(1) through †† (c)(4).

(Source: Amended at 19 Ill. Reg. **99511** effective **JUN 27 1995**)

SUBPART CC: AIR EMISSION STANDARDS FOR TANKS, SURFACE IMPOUNDMENTS, AND CONTAINERS

Section 724.980 Applicability

- a) The requirements of this Subpart apply, effective December 6, 1995, to owners and operators of all facilities that treat, store, or dispose of hazardous waste in tanks, surface impoundments, or containers subject to 724.Subpart I, J, or K, except as Section 724.101 and subsection (b) below provide otherwise.

BOARD NOTE: U.S. EPA adopted these regulations at 59 Fed. Reg. 62896 (Dec. 6, 1994), effective June 6, 1995. At 60 Fed. Reg. 26828 (May 19, 1995), U.S. EPA delayed the effective date until December 6, 1995. If action by U.S. EPA or a decision of a federal court changes the effectiveness of these regulations, the Board does not intend that the 724.Subpart CC rules be enforceable to the extent that they become more stringent than the federal regulations upon which they are based.

- b) The requirements of this Subpart do not apply to the following waste management units at the facility:

- 1) A waste management unit that holds hazardous waste placed in the unit before December 6, 1995, and in which no hazardous waste is added to the unit on or after this date.
- 2) A container that has a design capacity less than or equal to 0.1 m(3) (3.5 ft(3) or 26.4 gal).
- 3) A tank in which an owner or operator has stopped adding hazardous waste and the owner or operator has begun implementing or completed closure pursuant to an approved closure plan.
- 4) A surface impoundment in which an owner or operator has stopped adding hazardous waste (except to implement an approved closure plan) and the owner or operator has begun implementing or completed closure pursuant to an approved closure plan.
- 5) A waste management unit that is used solely for on-site treatment or storage of hazardous waste that is generated as the result of or implementing remedial activities required pursuant to the Act or

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Board regulations or under the corrective action authorities of RCRA sections 3004(u), 3004(v) or 3008(h); CERCLA authorities; or similar federal or state authorities.

- 6) A waste management unit that is used solely for the management of radioactive mixed waste in accordance with all applicable regulations under the authority of the Atomic Energy Act (42 U.S.C. 2011 et seq.) and the Nuclear Waste Policy Act.

- c) For the owner and operator of a facility subject to this Subpart and who received a final RCRA permit prior to December 6, 1995, the requirements of this Subpart shall be incorporated into the permit when the permit is reissued, renewed, or modified in accordance with the requirements of 35 Ill. Adm. Code 703 and 705. Until such date when the owner and operator receives a final permit incorporating the requirements of this Subpart, the owner and operator is subject to the requirements of 35 Ill. Adm. Code 725-Subpart CC.

(Source: Added JUN 27 1995 9 11. Reg. 9951 effective

Section 724.981 Definitions

As used in this Subpart, all terms shall have the meaning given to them in 35 Ill. Adm. Code 725.981, RCRA, and 35 Ill. Adm. Code 720.110.

(Source: Added at 19 11. Reg. 9951 effective JUN 27 1995)

Section 724.982 Standards: General

- a) This Section applies to the management of hazardous waste in tanks, surface impoundments, and containers subject to this Subpart.
- b) The owner or operator shall control air emissions from each waste management unit in accordance with standards specified in Section 724.984 through 724.987, as applicable to the waste management unit, except as provided for in subsection (c) below.
- c) A waste management unit is exempted from standards specified in Sections 724.984 through 724.987, provided that all hazardous waste placed in the waste management unit is determined by the owner or operator to meet either of the following conditions:
- 1) The average VO concentration of the hazardous waste at the point of waste origination is less than 100 parts per million by weight (ppmw). The average VO concentration shall be determined by the procedures specified in Section 724.983(a).
 - 2) The organic content of the hazardous waste has been reduced by an organic destruction or removal process that achieves any one of the following conditions:
 - A) The process removes or destroys the organics contained in the hazardous waste to a level such that the average VO

concentration of the hazardous waste at the point of waste treatment is less than the exit concentration limit (C_{exit}) established for the process. The average VO concentration of the hazardous waste at the point of waste treatment and the exit concentration limit for the process shall be determined using the procedures specified in Section 724.983(b).

- B) The process removes or destroys the organics contained in the hazardous waste to a level such that the organic reduction efficiency (R) for the process is equal to or greater than 95 percent, and the average VO concentration of the hazardous waste at the point of waste treatment is less than 50 ppmw. The organic reduction efficiency for the process and the average VO concentration of the hazardous waste at the point of waste treatment shall be determined using the procedures specified in Section 724.983(b).

- C) The process removes or destroys the organics contained in the hazardous waste to a level such that the actual organic mass removal rate (MR) for the process is greater than the required organic mass removal rate (RMR) established for the process. The required organic mass removal rate and the actual organic mass removal rate for the process shall be determined using the procedures specified in Section 724.983(b).

- D) The process is a biological process that destroys or degrades the organics contained in the hazardous waste so that either of the following conditions is met:

- i) The organic reduction efficiency (R) for the process is equal to or greater than 95 percent, and the organic biodegradation efficiency (R_{bio}) for the process is equal to or greater than 95 percent. The organic reduction efficiency and the organic biodegradation efficiency for the process shall be determined in accordance with the procedures specified in Section 724.983(b).

- ii) The total actual organic mass biodegradation rate (MR_{bio}) for all hazardous waste treated by the process is equal to or greater than the required organic mass removal rate (RMR). The required organic mass removal rate and the actual organic mass biodegradation rate for the process shall be determined using the procedures specified in Section 724.983(b).

- E) The process removes or destroys the organics contained in the hazardous waste and meets all of the following conditions:

- i) All of the materials entering the process are hazardous wastes.

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- ii) From the point of waste origination through the point where the hazardous waste enters the process, the hazardous waste is continuously managed in waste management units which use air emission controls in accordance with the standards specified in Sections 724.984 through 724.987, as applicable to the waste management unit.
- iii) The average VO concentration of the hazardous waste at the point of waste treatment is less than the lowest average VO concentration at the point of waste origination, determined for each of the individual hazardous waste streams entering the process, or 100 ppmw, whichever value is lower. The average VO concentration of each individual hazardous waste stream at the point of waste origination shall be determined using the procedure specified in Section 724.983(a). The average VO concentration of the hazardous waste at the point of waste treatment shall be determined using the procedure specified in Section 724.983(c).
- F) A hazardous waste incinerator for which the owner or operator has either:
- Been issued a final permit under 35 Ill. Adm. Code 703 and 705, and designs and operates the unit in accordance with the requirements of 724.983(a); or
 - Has certified compliance with the interim status requirements of 35 Ill. Adm. Code 725, Subpart O.
- G) A boiler or industrial furnace for which the owner or operator has either:
- Been issued a final permit under 35 Ill. Adm. Code 703 and 705, and designs and operates the unit in accordance with the requirements of 35 Ill. Adm. Code 726, Subpart H; or
 - Has certified compliance with the interim status requirements of 35 Ill. Adm. Code 726, Subpart H.
- d) When a process is used for the purpose of treating a hazardous waste to meet one of the sets of conditions specified in subsections (c)(2)(A) through (c)(2)(E) above, each material removed from or exiting the process that is not a hazardous waste but which has an average VO concentration equal to or greater than 100 ppmw shall be managed in a waste management unit in accordance with the requirements of subsection (b) above.
- e) The Agency may at any time perform or request that the owner or operator perform a waste determination for a hazardous waste managed in a tank, surface impoundment, or container that is exempted from using air emission controls under the provisions of this Section as follows:
- The waste determination for average VO concentration of a

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- hazardous waste at the point of waste origination shall be performed using direct measurement in accordance with the applicable requirements of Section 724.983(a). The waste determination for a hazardous waste at the point of waste treatment shall be performed in accordance with the applicable requirements of Section 724.983(b).
- Where the owner or operator is requested to perform the waste determination, the Agency may elect to have an authorized representative observe the collection of the hazardous waste samples used for the analysis.
 - Where the results of the waste determination performed or requested by the Agency do not agree with the results of a waste determination performed by the owner or operator using knowledge of the waste, then the results of the waste determination performed in accordance with the requirements of subsection (e)(1) above shall be used to establish compliance with the requirements of this Subpart.
 - Where the owner or operator has used an averaging period greater than one hour for determining the average VO concentration of a hazardous waste at the point of waste origination, the Agency may elect to establish compliance with this Subpart by performing or requesting that the owner or operator perform a waste determination using direct measurement based on waste samples collected within a one-hour period as follows:
 - The average VO concentration of the hazardous waste at the point of waste origination shall be determined by direct measurement in accordance with the requirements of Section 724.983(a).
 - Results of the waste determination performed or requested by the Agency showing that the average VO concentration of the hazardous waste at the point of waste origination is equal to or greater than 100 ppmw shall constitute noncompliance with this Subpart, except in a case as provided for in subsection (e)(4)(C) below.
 - Where the average VO concentration of the hazardous waste at the point of waste origination previously has been determined by the owner or operator using an averaging period greater than one hour to be less than 100 ppmw but because of normal operating process variations the VO concentration of the hazardous waste determined by direct measurement for any given one-hour period may be equal to or greater than 100 ppmw, information that was used by the owner or operator to determine the average VO concentration of the hazardous waste (e.g., test results, measurements, calculations, and other documentation) and recorded in the facility records in accordance with the requirements of Section 724.983(a) and Section 724.989 shall be considered by the Agency together with the results of the waste

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determination performed or requested by the Agency in establishing compliance with this Subpart.

(Source: Added at 19 Ill. Reg. 99 51 1, effective JUN 27 1995)

Section 724.983 Waste Determination Procedures

a) Waste determination procedure for average volatile organic (VO) concentration of a hazardous waste at the point of waste origination.

- 1) An owner or operator shall determine the average VO concentration at the point of waste origination for each hazardous waste placed in waste management units exempted under the provisions of Section 724.982(c)(1) from using air emission controls in accordance with standards specified in Section 724.984 through Section 724.987, as applicable to the waste management unit.

- 2) The VO concentration at the point of waste origination for a hazardous waste shall be determined in accordance with the procedures specified in 35 Ill. Adm. Code 725.984(a)(2) through a)(6).

c) Waste determination procedures for treated hazardous waste.

- 1) An owner or operator shall perform the applicable waste determinations for each treated hazardous waste placed in waste management units exempted under the provisions of Section 724.982(c)(2) from using air emission controls in accordance with standards specified in Section 724.984 through 724.987, as applicable to the waste management unit.

- 2) The waste determination for a treated hazardous waste shall be performed in accordance with the procedures specified in 35 Ill. Adm. Code 725.984(b)(2) through (b)(10), as applicable to the treated hazardous waste.

c) Procedure to determine the maximum organic vapor pressure of a hazardous waste in a tank.

- 1) An owner or operator shall determine the maximum organic vapor pressure for each hazardous waste placed in tanks using air emission controls in accordance with standards specified in Section 724.984(c).

- 2) The maximum organic vapor pressure of the hazardous waste shall be determined in accordance with the procedures specified in 35 Ill. Adm. Code 725.984(c)(2) through (c)(4).

(Source: Added at 19 Ill. Reg. 99 51 1, effective JUN 27 1995)

Section 724.984 Standards: Tanks

- a) This Section applies to owners and operators of tanks subject to this Subpart into which any hazardous waste is placed, except for the

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following tanks:

- 1) A tank in which all hazardous waste entering the tank meets the conditions specified in Section 724.982(c), or
- 2) A tank used for biological treatment of hazardous waste in accordance with the requirements of Section 724.982(c)(2)(D).

b) The owner or operator shall place the hazardous waste into one of the following tanks:

- 1) A tank equipped with a cover (e.g., a fixed roof) that is vented through a closed-vent system to a control device in accordance with the requirements specified in subsection (d) below;
- 2) A tank equipped with a fixed roof and internal floating roof in accordance with the requirements of Section 724.991;
- 3) A tank equipped with an external floating roof in accordance with the requirements of Section 724.991; or
- 4) A pressure tank that is designed to operate as a closed system such that the tank operates with no detectable organic emissions at all times that hazardous waste is in the tank except as provided for in subsection (g) below.

c) As an alternative to complying with subsection (b) above, an owner or operator may place hazardous waste in a tank equipped with a cover (e.g., a fixed roof) meeting the requirements specified in subsection (d)(1) below when the hazardous waste is determined to meet all of the following conditions:

- 1) The hazardous waste is not mixed, stirred, agitated, or circulated within the tank by the owner or operator using a process that results in splashing, frothing, or visible turbulent flow on the waste surface during normal process operations;
- 2) The hazardous waste in the tank is not heated by the owner or operator except during conditions requiring that the waste be heated to prevent the waste from freezing or to maintain adequate waste flow conditions for continuing normal process operations;
- 3) The hazardous waste in the tank is not treated by the owner or operator using a waste stabilization process or a process that produces an exothermic reaction; and
- 4) The maximum organic vapor pressure of the hazardous waste in the tank, as determined using the procedure specified in Section 724.983(c), is less than the following applicable value:

A) If the tank design capacity is equal to or greater than 151 m(3) (5333 ft(3) or 39,887 gal), then the maximum organic vapor pressure shall be less than 5.2 kPa (0.75 psia or 39 mm Hg);

B) If the tank design capacity is equal to or greater than 75 m(3) (2649 ft(3) or 19,810 gal) but less than 151 m(3) (5333 ft(3) or 39,887 gal), then the maximum organic vapor pressure shall be less than 27.6 kPa (4.0 psia or 207 mm Hg); or

C) If the tank design capacity is less than 75 m(3) (2649 ft(3) or 19,810 gal), then the maximum organic vapor pressure

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- d) shall be less than 76.6 kPa (11.1 psia or 574 mm Hg). To comply with subsection (b)(1) above, the owner or operator shall design, install, operate, and maintain a cover that vents the organic vapors emitted from hazardous waste in the tank through a closed-vent system connected to a control device.

1) The cover shall be designed and operated to meet the following requirements:

- A) The cover and all cover openings (e.g., access hatches, sampling ports, and gauge wells) shall be designed to operate with no detectable organic emissions when all cover openings are secured in a closed, sealed position; and
- B) Each cover opening shall be secured in a closed, sealed position (e.g., covered by a gasketed lid or cap) at all times that hazardous waste is in the tank except as provided for in subsection (f) below.

- 2) The closed-vent system and control device shall be designed and operated in accordance with the requirements of Section 724.987.

- e) The owner and operator shall install, operate, and maintain enclosed pipes or other closed-systems to:

BOARD NOTE: U.S. EPA considers a drain system that meets the requirements of 40 CFR 61.346(a)(1) or (b)(1) through (b)(3) to be a "closed-system". The Board intends that this meaning be included in the use of that term for the purposes of this Subpart.

- 1) Transfer all hazardous waste to the tank from another tank, surface impoundment, or container subject to this Subpart except for those hazardous wastes that meet the conditions specified in Section 724.982(c); and
- 2) Transfer all hazardous waste from the tank to another tank, surface impoundment, or container subject to this Subpart except for those hazardous wastes that meet the conditions specified in Section 724.982(c).

- f) Each cover opening shall be secured in a closed, sealed position (e.g., covered by a gasketed lid) at all times that hazardous waste is in the tank except when it is necessary to use the cover opening to:

- 1) Add, remove, inspect, or sample the material in the tank;
- 2) Inspect, maintain, repair, or replace equipment located inside the tank; or
- 3) Vent gases or vapors from the tank to a closed-vent system connected to a control device that is designed and operated in accordance with the requirements of Section 724.987.

- g) One or more safety devices that vent directly to the atmosphere may be used on the tank, cover, closed-vent system, or control device provided each safety device meets all of the following conditions:

- 1) The safety device is not used for planned or routine venting of organic vapors from the tank or closed-vent system connected to a control device; and
- 2) The safety device remains in a closed, sealed position at all times, except when an unplanned event requires that the device

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open for the purpose of preventing physical damage or permanent deformation of the tank, cover, closed-vent system, or control device in accordance with good engineering and safety practices for handling flammable, combustible, explosive, or other hazardous materials. An example of an unplanned event is a sudden power outage.

(Source: Added at 19 Ill. Reg. **99514**, effective **JUN 27 1995**)

Section 724.985 Standards: Surface Impoundments

- a) This Section applies to owners and operators of surface impoundments subject to this Subpart into which any hazardous waste is placed except for the following surface impoundments:

- 1) A surface impoundment in which all hazardous waste entering the surface impoundment meets the conditions specified in Section 724.982(c); or
- 2) A surface impoundment used for biological treatment of hazardous waste in accordance with the requirements of Section 724.982(c)(2)(D).

- b) The owner or operator shall place the hazardous waste into a surface impoundment equipped with a cover (e.g., an air-supported structure or a rigid cover) that is vented through a closed-vent system to a control device meeting the requirements specified in subsection (d) below.

- c) As an alternative to complying with subsection (b) above, an owner or operator may place hazardous waste in a surface impoundment equipped with a floating membrane cover meeting the requirements specified in subsection (e) below when the hazardous waste is determined to meet all of the following conditions:

- 1) The hazardous waste is not mixed, stirred, agitated, or circulated within the surface impoundment by the owner or operator using a process that results in splashing, frothing, or visible turbulent flow on the waste surface during normal process operations;
- 2) The hazardous waste in the surface impoundment is not heated by the owner or operator; and
- 3) The hazardous waste is not treated by the owner or operator using a waste stabilization process or a process that produces an exothermic reaction.

- d) To comply with subsection (b)(1) above, the owner or operator shall design, install, operate, and maintain a cover that vents the organic vapors emitted from hazardous waste in the surface impoundment through a closed-vent system connected to a control device.

- 1) The cover shall be designed and operated to meet the following requirements:

- A) The cover and all cover openings (e.g., access hatches,

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sampling ports, and gauge wells) shall be designed to operate with no detectable organic emissions when all cover openings are secured in a closed, sealed position:

- B) Each cover opening shall be secured in the closed, sealed position (e.g., covered by a gasketed lid or cap) at all times that hazardous waste is in the surface impoundment, except as provided for in subsection (g) below; and
- C) The closed-vent system and control device shall be designed and operated in accordance with Section 724.987.
- e) To comply with subsection (c) above, the owner or operator shall design, install, operate, and maintain a floating membrane cover that meets all of the requirements specified in 35 Ill. Adm. Code 725.986(e)(1) through (e)(4).
- f) The owner or operator shall install, operate, and maintain enclosed pipes or other closed-systems to:

BOARD NOTE: U.S. EPA considers a drain system that meets the requirements of 40 CFR 61.346(a)(1) or (b)(1) through (b)(3) to be a "closed-system". The Board intends that this meaning be included in the use of that term for the purposes of this Subpart.

- 1) Transfer all hazardous waste to the surface impoundment from another tank, surface impoundment, or container subject to this Subpart except for those hazardous wastes that meet the conditions specified in Section 724.982(c); and
- 2) Transfer all hazardous waste from the surface impoundment to another tank, surface impoundment, or container subject to this Subpart except for those hazardous wastes that meet the conditions specified in Section 724.982(c).

g) Each cover opening shall be secured in the closed, sealed position (e.g., a cover by a gasketed lid or cap) at all times that hazardous waste is in the surface impoundment except when it is necessary to use the cover opening to:

- 1) Add, remove, inspect, or sample the material in the surface impoundment;
- 2) Inspect, maintain, repair, or replace equipment located underneath the cover;
- 3) Remove treatment residues from the surface impoundment in accordance with the requirements of 35 Ill. Adm. Code 728.4; or
- 4) Vent gases or vapors from the surface impoundment to a closed-vent system connected to a control device that is designed and operated in accordance with the requirements of Section 724.987.

h) One or more safety devices that vent directly to the atmosphere may be installed on the cover, closed-vent system, or control device provided each device meets all of the following conditions:

- 1) The safety device is not used for planned or routine venting of organic vapors from the surface impoundment or the closed-vent system connected to a control device; and
- 2) The safety device remains in a closed, sealed position at all

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times, except when an unplanned event requires that the device open for the purpose of preventing physical damage or permanent deformation of the cover, closed-vent system, or control device in accordance with good engineering and safety practices for handling flammable, combustible, explosive, or other hazardous materials. An example of an unplanned event is a sudden power outage.

(Source: Added at 13 Ill. Reg. 99514, effective JUN 27 1995)

Section 724.986 Standards: Containers

- a) This Section applies to the owners and operators of containers having design capacities greater than 0.1 m(3) (3.5 ft(3)) or 26.4 gal) subject to this Subpart into which any hazardous waste is placed except for a container in which all hazardous waste entering the container meets the conditions specified in Section 724.982(c).
- b) An owner or operator shall manage hazardous waste in containers using the following procedures:

- 1) The owner or operator shall place the hazardous waste into one of the following containers, except when a container is used for hazardous waste treatment as required by subsection (b)(2) below:
- A) A container that is equipped with a cover which operates with no detectable organic emissions when all container openings (e.g., lids, bungs, hatches, and sampling ports) are secured in a closed, sealed position. The owner or operator shall determine that a container operates with no detectable emissions by testing each opening on the container for leaks in accordance with Method 21 in 40 CFR 60, Appendix A, incorporated by reference in 35 Ill. Adm. Code 720.111, the first time any portion of the hazardous waste is placed into the container. If a leak is detected and cannot be repaired immediately, the hazardous waste shall be removed from the container and the container not used to meet the requirements of this subsection until the leak is repaired and the container is retested.

- B) A container having a design capacity less than or equal to 0.46 m(3) (16.2 ft(3)) or 122 gal) that is equipped with a cover and complies with all applicable Department of Transportation regulations on packaging hazardous waste for transport under 49 CFR Part 178, incorporated by reference at 35 Ill. Adm. Code 720.111.
- i) A container that is managed in accordance with the requirements of 49 CFR Part 178, incorporated by reference at 35 Ill. Adm. Code 720.111, for the purpose of complying with this Subpart, is not subject to any exceptions to the 49 CFR Part 178 regulations,

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except as noted in subsection (b)(1)(B)(ii) below.
 ii) A lab pack that is managed in accordance with the requirements of 49 CFR 178, incorporated by reference at 35 Ill. Adm. Code 720.111, for the purpose of complying with this Subpart, may comply with the exceptions for combination packagings specified in 49 CFR 173.12(b), incorporated by reference at 35 Ill. Adm. Code 720.111.

- c) A container that is attached to or forms a part of any truck, trailer, or railcar and that has been demonstrated within the preceding 12 months to be organic vapor tight when all container openings are in a closed, sealed position (e.g., the container hatches or lids are gasketed and latched). For the purpose of meeting the requirements of this subsection, a container is organic vapor tight if the container sustains a pressure change of not more than 0.75 kPa (0.11 psig or 5.6 mm Hg) within 5 minutes after it is pressurized to a minimum of 4.50 kPa (0.65 psig or 33.7 mm Hg). This condition is to be demonstrated using the pressure test specified in Method 27 of 40 CFR 60, Appendix A, and a pressure measurement device which has a precision of ± 2.5 mm water and which is capable of measuring above the pressure at which the container is to be tested for vapor tightness.

- 2) An owner or operator treating hazardous waste in a container by either a waste stabilization process, any process that requires the addition of heat to the waste, or any process that produces an exothermic reaction shall meet the following requirements:

- A) Whenever it is necessary for the container to be open during the treatment process, the container shall be located inside an enclosure that is vented through a closed-vent system to a control device.

- B) The enclosure shall be a structure that is designed and operated in accordance with the following requirements:

- i) The enclosure shall be a structure that is designed and operated with sufficient airflow into the structure to capture the organic vapors emitted from the hazardous waste in the container and vent the vapors through the closed-vent system to the control device.

- ii) The enclosure may have permanent or temporary openings to allow worker access, passage of containers through the enclosure by conveyor or other mechanical means, entry of permanent mechanical or electrical equipment, or to direct airflow into the enclosure. The pressure drop across each opening in the enclosure shall be maintained at a pressure below atmospheric pressure so that whenever an open container is placed inside the

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enclosure no organic vapors released from the container exit the enclosure through the opening. The owner or operator shall determine that an enclosure achieves this condition by measuring the pressure drop across each opening in the enclosure. If the pressure within the enclosure is equal to or greater than atmospheric pressure then the enclosure does not meet the requirements of this Section.

- c) The closed-vent system and control device shall be designed and operated in accordance with the requirements of Section 724.987.

- 3) An owner or operator transferring hazardous waste into a container having a design capacity greater than 0.46 m³ (16.2 ft³) or 122 gal) shall meet the following requirements:

- A) Hazardous waste transfer by pumping shall be performed using a conveyance system that uses a tube (e.g., pipe, hose) to add the waste into the container. During transfer of the waste into the container, the cover shall remain in place and all container openings shall be maintained in a closed, sealed position except for those openings through which the tube enters the container and as provided for in subsection (c) below. The tube shall be positioned in a manner so that:

- i) The tube outlet continuously remains submerged below the waste surface at all times waste is flowing through the tube;

- ii) The lower bottom edge of the tube outlet is located at a distance no greater than two inside diameters of the tube or 15.25 cm (6.0 in), whichever distance is greater, from the bottom of the container at all times waste is flowing through the tube; or

- iii) The tube is connected to a permanent port mounted on the bottom of the container so that the lower edge of the port opening inside the container is located at a distance equal to or less than 15.25 cm (6.0 in) from the container bottom.

- 9) Hazardous waste transferred by a means other than pumping shall be performed such that during transfer of the waste into the container, the cover remains in place and all container openings are maintained in a closed, sealed position except for those openings through which the hazardous waste is added and as provided for in subsection (d) below.

- c) Each container opening shall be maintained in a closed, sealed position (e.g., covered by a gasketed lid) at all times that hazardous waste is in the container except when it is necessary to use the opening to:

- 1) Add, remove, inspect, or sample the material in the container;

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- 2) Inspect, maintain, repair, or replace equipment located inside the container; or
- 3) Vent gases or vapors from a cover located over or enclosing an open container to a closed-vent system connected to a control device that is designed and operated in accordance with the requirements of Section 724.987.
- d) One or more safety devices that vent directly to the atmosphere may be used on the container, cover, enclosure, closed-vent system, or control device provided each device meets all of the following conditions:

- 1) The safety device is not used for planned or routine venting of organic vapors from the container, cover, enclosure, or closed-vent system connected to a control device; and
- 2) The safety device remains in a closed, sealed position at all times except when an unplanned event requires that the device be open for the purpose of preventing physical damage or permanent deformation of the container, cover, enclosure, closed-vent system, or control device in accordance with good engineering and safety practices for handling flammable, combustible, explosive, or other hazardous materials. An example of an unplanned event is a sudden power outage.

(Source: Added 19 Ill. Reg. 9951, effective
JUN 27 1995)

Section 724.987 Standards: Closed-vent Systems and Control Devices

- a) This Section applies to each closed-vent system and control device installed and operated by the owner or operator to control air emissions in accordance with standards of this Subpart.
- b) The closed-vent system shall meet the following requirements:
- 1) The closed-vent system shall route the gases, vapors, and fumes emitted from the hazardous waste in the waste management unit to a control device that meets the requirements specified in subsection (c) below.
 - 2) The closed-vent system shall be designed and operated in accordance with the requirements specified in Section 724.933(k).
 - 3) If the closed-vent system contains one or more bypass devices that could be used to divert all or a portion of the gases, vapors, or fumes from entering the control device, the owner or operator shall meet the following requirements:
 - A) For each bypass device, except as provided for in subsection b)(3)(B) below, the owner or operator shall either:
 - i) Install, calibrate, maintain, and operate a flow indicator at the inlet to the bypass device that indicates at least once every 15 minutes whether gas, vapor, or fume flow is present in the bypass device; or

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- i) Secure a valve installed at the inlet to the bypass device in the closed position using a car-seal or a lock-and-key type configuration. The owner or operator shall visually inspect the seal or closure mechanism at least once every month to verify that the valve is maintained in the closed position.
 - B) Low leg drains, high point bleeds, analyzer vents, open-ended valves or lines, and safety devices are not subject to the requirements of subsection (b)(3)(A) above.
- c) The control device shall meet the following requirements:
- 1) The control device shall be one of the following devices:
 - A) A control device designed and operated to reduce the total organic content of the inlet vapor stream vented to the control device by at least 95 percent by weight;
 - B) An enclosed combustion device designed and operated in accordance with the requirements of Section 724.933(c); or
 - C) A flare designed and operated in accordance with the requirements of Section 724.933(d).
 - 2) The control device shall be operating at all times when gases, vapors, or fumes are vented from the waste management unit through the closed-vent system to the control device.
 - 3) The owner or operator using a carbon adsorption system to comply with subsection (c)(1) above shall operate and maintain the control device in accordance with the following requirements:
 - A) Following the initial startup of the control device, all activated carbon in the control device shall be replaced with fresh carbon on a regular basis in accordance with the requirements of Section 724.933(g) or Section 724.933(h).
 - B) All carbon removed from the control device shall be managed in accordance with the requirements of Section 724.933(m).
 - 4) An owner or operator using a control device other than a thermal vapor incinerator, flare, boiler, process heater, condenser, or carbon adsorption system to comply with subsection (c)(1) above shall operate and maintain the control device in accordance with the requirements of Section 724.933(j).
 - 5) The owner or operator shall demonstrate that a control device achieves the performance requirements of subsection (c)(1) above, as follows:
 - A) An owner or operator shall demonstrate using either a performance test, as specified in subsection (c)(5)(C) below, or a design analysis, as specified in subsection (c)(5)(D) below, the performance of each control device except for the following:
 - i) A flare;
 - ii) A boiler or process heater with a design heat input capacity of 44 megawatts or greater;
 - iii) A boiler or process heater into which the vent stream is introduced with the primary fuel;

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- iv) A boiler or process heater burning hazardous waste for which the owner or operator has been issued a final permit under 35 Ill. Adm. Code 703 and 705 and designs and operates the unit in accordance with the requirements of 35 Ill. Adm. Code 726, Subpart H; or
- v) A boiler or process heater burning hazardous waste for which the owner or operator has certified compliance with the interim status requirements of 35 Ill. Adm. Code 726, Subpart H.
- b) An owner or operator shall demonstrate the performance of each flare in accordance with the requirements specified in Section 724.933(e).
- c) For a performance test conducted to meet the requirements of subsection (c)(5)(A) above, the owner or operator shall use the test methods and procedures specified in Section 724.934(c)(1) through (c)(4).
- d) For a design analysis conducted to meet the requirements of subsection (c)(5)(A) above, the design analysis shall meet the requirements specified in Section 724.935(b)(4)(C).
- e) The owner or operator shall demonstrate that a carbon adsorption system achieves the performance requirements of subsection (c)(1) above based on the total quantity of organics vented to the atmosphere from all carbon adsorption system equipment that is used for organic adsorption, organic desorption or carbon regeneration, organic recovery, and carbon disposal.
- 6) If the owner or operator and the Agency do not agree on a demonstration of control device performance using a design analysis then the disagreement shall be resolved using the results of a performance test performed by the owner or operator in accordance with the requirements of subsection (c)(5)(C) above. The Agency may choose to have an authorized representative observe the performance test.

(Source: Added 19 Ill. Reg. 9951.1 effective JUN 7 1995)

Section 724.988 Inspection and Monitoring Requirements

- a) This Section applies to an owner or operator using air emission controls in accordance with the requirements of Sections 724.984 through 724.987.
- b) Each cover used in accordance with requirements of Sections 724.984 through 724.986 shall be visually inspected and monitored for detectable organic emissions by the owner or operator using the procedure specified in 35 Ill. Adm. Code 725.989(f)(1) through (f)(7), except as follows:
- 1) An owner or operator is exempted from performing the cover

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inspection and monitoring requirements specified in 35 Ill. Adm. Code 725.989(f)(1) through (f)(7) for the following tank covers:

- A) A tank internal floating roof that is inspected and monitored in accordance with the requirements of Section 724.991; or
- B) A tank external floating roof that is inspected and monitored in accordance with the requirements of Section 724.991.
- 2) If a tank is buried partially or entirely underground, an owner or operator is required to perform the cover inspection and monitoring requirements specified in 35 Ill. Adm. Code 725.989(f)(1) through (f)(7) only for those portions of the tank cover and those connections to the tank cover or tank body (e.g., fill ports, access hatches, gauge wells, etc.) that extend to or above the ground surface and can be opened to the atmosphere.
- 3) An owner or operator is exempted from performing the cover inspection and monitoring requirements specified in 35 Ill. Adm. Code 725.989(f)(1) through (f)(7) for a container that meets all requirements specified in either Section 724.986(b)(1)(B) or (b)(1)(C).
- 4) An owner or operator is exempted from performing the cover inspection and monitoring requirements specified in 35 Ill. Adm. Code 725.989(f)(1) through (f)(7) for an enclosure used to control air emissions from containers in accordance with the requirements of Section 724.986(b)(2).
- c) Each closed-vent system used in accordance with the requirements of Section 724.987 shall be inspected and monitored by the owner or operator in accordance with the procedure specified in Section 724.933(k).
- d) Each control device used in accordance with the requirements of Section 724.987 shall be inspected and monitored by the owner or operator in accordance with the procedures specified in Section 724.933(f) and 724.933(l).
- e) The owner or operator shall develop and implement a written plan and schedule to perform all inspection and monitoring requirements of this section. The owner or operator shall incorporate this plan and schedule into the facility inspection plan required under Section 724.115.

(Source: Added at 19 Ill. Reg. 9951.1 effective JUN 7 1995)

Section 724.989 Recordkeeping Requirements

- a) Each owner or operator of a facility subject to requirements in this Subpart shall record and maintain the following information as applicable:
- 1) Documentation for each cover installed on a tank in accordance

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with the requirements of Section 724.984 (b)(2) or (b)(3) that includes information prepared by the owner or operator or provided by the cover manufacturer or vendor describing the cover design, and certification by the owner or operator that the cover meets the applicable design specifications as listed in 35 Ill. Adm. Code 725.991(c).

- 2) Documentation for each floating membrane cover installed on a surface impoundment in accordance with the requirements of Section 724.985(c) that includes information prepared by the owner or operator or provided by the cover manufacturer or vendor describing the cover design, and certification by the owner or operator that the cover meets the specifications listed in 35 Ill. Adm. Code 725.986(e).

- 3) Documentation for each enclosure used to control air emissions from containers in accordance with the requirements of Section 724.986(b)(2)(A) that includes information prepared by the owner or operator or provided by the manufacturer or vendor describing the enclosure design, and certification by the owner or operator that the enclosure meets the specifications listed in Section 724.986(b)(2)(B).

- 4) Documentation for each closed-vent system and control device installed in accordance with the requirements of Section 724.987 that includes:

A) Certification that is signed and dated by the owner or operator stating that the control device is designed to operate at the performance level documented by a design analysis as specified in subsection (a)(4)(B) below or by performance tests as specified in subsection (a)(4)(C) below when the tank, surface impoundment, or container is or would be operating at capacity or the highest level reasonably expected to occur.

B) If a design analysis is used, then design documentation as specified in Section 724.935(b)(4). The documentation shall include information prepared by the owner or operator or provided by the control device manufacturer or vendor that describes the control device design in accordance with Section 724.935(b)(4)(C) and certification by the owner or operator that the control equipment meets the applicable specifications.

C) If performance tests are used, then a performance test plan as specified in Section 724.935(b)(3) and all test results.

- 5) Information as required by Section 724.935(c)(1) and (c)(2). Records for all Method 27 tests performed by the owner or operator for each container used to meet the requirements of Section 724.986(b)(1)(C).

- 6) Records for all visual inspections conducted in accordance with the requirements of Section 724.988.

- 7) Records for all monitoring for detectable organic emissions

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conducted in accordance with the requirements of Section 724.988. Records of the date of each attempt to repair a leak, repair methods applied, and the date of successful repair.

- 8) Records for all continuous monitoring conducted in accordance with the requirements of Section 724.988.

- 9) Records of the management of carbon removed from a carbon adsorption system conducted in accordance with Section 724.987(c)(3)(B).

- 10) Records for all inspections of each cover installed on a tank in accordance with the requirements of Section 724.984(b)(2) or (b)(3) that includes information as listed in 35 Ill. Adm. Code 725.991(c).

- b) An owner or operator electing to use air emission controls for a tank in accordance with the conditions specified in Section 724.984(c) shall record the following information:

1) Date and time each waste sample is collected for direct measurement of maximum organic vapor pressure in accordance with Section 724.983(c).

2) Results of each determination of the maximum organic vapor pressure of the waste in a tank performed in accordance with Section 724.983(c).

3) Records specifying the tank dimensions and design capacity.

- c) An owner or operator electing to use air emission controls for a tank in accordance with the requirements of Section 724.991 shall record the information required by Section 724.991(c).

- d) An owner or operator electing not to use air emission controls for a particular tank, surface impoundment, or container subject to this Subpart in accordance with the conditions specified in Section 724.982(c) shall record the information used by the owner or operator for each waste determination (e.g., test results, measurements, calculations, and other documentation) in the facility operating log. If analysis results for waste samples are used for the waste determination, then the owner or operator shall record the date, time, and location that each waste sample is collected in accordance with applicable requirements of Section 724.983.

- e) An owner or operator electing to comply with requirements in accordance with Section 724.982(c)(2)(E) or Section 724.982(c)(2)(F) shall record the identification number for the incinerator, boiler, or industrial furnace in which the hazardous waste is treated.

- f) An owner or operator designating a cover as unsafe to inspect and monitor pursuant to 35 Ill. Adm. Code 725.989(f)(5) or difficult to inspect and monitor pursuant to 35 Ill. Adm. Code 725.989(f)(6) shall record in a log that is kept in the facility operating record the following information:

- 1) A list of identification numbers for tanks with covers that are designated as unsafe to inspect and monitor in accordance with the requirements of 35 Ill. Adm. Code 725.989(f)(5), an explanation for each cover stating why the cover is unsafe to

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inspect and monitor, and the plan and schedule for inspecting and monitoring each cover.

- 2) A list of identification numbers for tanks with covers that are designated as difficult to inspect and monitor in accordance with the requirements of 35 Ill. Adm. Code 725.989(f)(6), an explanation for each cover stating why the cover is difficult to inspect and monitor, and the plan and schedule for inspecting and monitoring each cover.

- 3) All records required by subsections (a) through (f) above, except as required in subsections (a)(1) through (a)(4), shall be maintained in the operating record for a minimum of 3 years. All records required by subsections (a)(1) through (a)(4) above shall be maintained in the operating record until the air emission control equipment is replaced or otherwise no longer in service.

- 4) The owner or operator of a facility that is subject to this Subpart and to the control device standards in 40 CFR 60, Subpart VV or 40 CFR 61, Subpart V, incorporated by reference in 35 Ill. Adm. Code 720.111, may elect to demonstrate compliance with the applicable Sections of this Subpart by documentation either pursuant to this Subpart, or pursuant to the provisions of 40 CFR 60, Subpart VV or 40 CFR Part, Subpart V, to the extent that the documentation required by 40 CFR 60 or 61 duplicates the documentation required by this Section.

(Source: Added 19 Ill. Reg. 9951, effective JUN 27 1995)

Section 724.990 Reporting Requirements

- a) Each owner or operator managing hazardous waste in a tank, surface impoundment, or container exempted from using air emission controls under the provisions of Section 724.982(c) shall report to the Agency each occurrence when hazardous waste is placed in the waste management unit in noncompliance with the conditions specified in Section 724.982(c)(1) or (c)(2), as applicable. Examples of such occurrences include placing in the waste management unit a hazardous waste having an average VO concentration equal to or greater than 100 ppmw at the point of waste origination or placing in the waste management unit a treated hazardous waste that fails to meet the applicable conditions specified in Section 724.982(c)(2)(A) through (c)(2)(E). The owner or operator shall submit a written report within 15 calendar days of the time that the owner or operator becomes aware of the occurrence. The written report shall contain the U.S. EPA identification number, the facility name and address, a description of the noncompliance event and the cause, the dates of the noncompliance, and the actions taken to correct the noncompliance and prevent reoccurrence of the noncompliance. The report shall be signed and dated by an authorized representative of the owner or operator.

- b) Each owner or operator using air emission controls on a tank in

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accordance with the requirements Section 724.984(c) shall report to the Agency each occurrence when hazardous waste is managed in the tank in noncompliance with the conditions specified in Section 724.984(c)(1) through (c)(4). The owner or operator shall submit a written report within 15 calendar days of the time that the owner or operator becomes aware of the occurrence. The written report shall contain the U.S. EPA identification number, the facility name and address, a description of the noncompliance event and the cause, the dates of the noncompliance, and the actions taken to correct the noncompliance and prevent reoccurrence of the noncompliance. The report shall be signed and dated by an authorized representative of the owner or operator.

- c) Each owner or operator using a control device in accordance with the requirements of Section 724.987 shall submit a semiannual written report to the Agency excepted as provided for in subsection (d) below. The report shall describe each occurrence during the previous 6-month period when a control device is operated continuously for 24 hours or longer in noncompliance with the applicable operating values defined in Section 724.935(c)(4) or when a flare is operated with visible emissions as defined in Section 724.933(d). The written report shall include the U.S. EPA identification number, the facility name and address, and an explanation why the control device could not be returned to compliance within 24 hours, and actions taken to correct the noncompliance. The report shall be signed and dated by an authorized representative of the owner or operator.

- d) A report to the Agency in accordance with the requirements of subsection (c) above is not required for a 6-month period during which all control devices subject to this Subpart are operated by the owner or operator so that during no period of 24 hours or longer did a control device operate continuously in noncompliance with the applicable operating values defined in Section 724.935(c)(4) or a flare operate with visible emissions, as defined in Section 724.933(d).

(Source: Added at 19 Ill. Reg. 9951, effective JUN 27 1995)

Section 724.991 Alternative Control Requirements for Tanks

- a) This Section applies to owners and operators of tanks that elect to comply with Section 724.984(b)(2) or Section 724.984(b)(3).
1) The owner or operator that elects to comply with Section 724.984(b)(2) shall design, install, operate, and maintain a fixed roof and internal floating roof that meet the requirements specified in 35 Ill. Adm. Code 725.991(a)(1)(A) through (a)(1)(I).
2) The owner or operator that elects to comply with Section 724.984(b)(3) shall design, install, operate, and maintain an

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external floating roof that meets the requirements specified in 35 Ill. Adm. Code 725.991(a)(2)(A) through (a)(2)(C).

- b) The owner or operator shall inspect and monitor the control equipment in accordance with the following requirements:

1) For a tank equipped with a fixed roof and internal floating roof in accordance with the requirements of subsection (a)(1) above, the owner or operator shall perform the inspection and monitoring requirements specified in 35 Ill. Adm. Code 725.991(b)(1).

2) For a tank equipped with an external floating roof in accordance with the requirements of subsection (a)(2) above, the owner or operator shall perform the inspection and monitoring requirements specified in 35 Ill. Adm. Code 725.991(b)(2).

- c) The owner or operator shall record the following information in the operating record in accordance with the requirements of Section 724.989(a)(1) and (a)(11):

1) For a tank equipped with a fixed roof and internal floating roof in accordance with the requirements of subsection (a)(1) above, the owner or operator shall record the information listed in 35 Ill. Adm. Code 725.991(c)(1).

2) For a tank equipped with an external floating roof in accordance with the requirements of subsection (a)(1) above, the owner or operator shall record the information listed in 35 Ill. Adm. Code 725.991(c)(2).

(Source: Added at 19 Ill. Reg. 99511, effective JUN 27 1995)

SUBPART DD: CONTAINMENT BUILDINGS

Section 724.1102 Closure and Post post-closure Care care

- a) At closure of a containment building, the owner or operator must remove or decontaminate all waste residues, contaminated containment system components (liners, etc.), contaminated subsoils, and structures and equipment contaminated with waste and leachate, and manage them as hazardous waste unless 35 Ill. Adm. Code 724.103(e) applies. The closure plan, closure activities, cost estimates for closure, and financial responsibility for containment buildings must meet all of the requirements specified in 739.Subparts G and H.

b) If, after removing or decontaminating all residues and making all reasonable efforts to effect removal or decontamination of contaminated components, subsoils, structures, and equipment as required in subsection (a) above, the owner or operator finds that not all contaminated subsoils can be practicably removed or decontaminated, he must close the facility and perform post-closure care in accordance with the closure and post-closure requirements that apply to landfills (35 Ill. Adm. Code 724.310). In addition, for the

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purposes of closure, post-closure, and financial responsibility, such a containment building is then considered to be a landfill, and the owner or operator must meet all the requirements for landfills specified in 739.Subparts G and H.

(Source: Amended 19 Ill. Reg. 99511, effective JUN 27 1995)

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1) Heading of the Part: Standards for the Management of Specific Hazardous Waste and Specific Types of Hazardous Waste Management Facilities

2) Code Citation: 35 Ill. Adm. Code 726

3) Section Numbers: Adopted Action:

726.120, 726.123, 726.200 Amended
726.App. A, 726.App. B Amended
726.App. C, 726.App. E Amended
726.App. M New Section

4) Statutory authority: 415 ILCS 5/13(c), 22.4 and 27.

5) Effective date of amendments: June 27, 1995

6) Does this rulemaking contain an automatic repeal date?: No

7) Do these amendments contain incorporations by reference? Yes. 35 Ill. Adm. Code 720.111 is the centralized listing of all documents incorporated by reference for the purposes of the Illinois UIC and RCRA Subtitle C programs (35 Ill. Adm. Code 702 through 705, 720 through 726, 728, 730, 738 & 739). The present amendments include revisions to the references in that Section. Most of the amendments involve updates to analytical methods.

8) Date filed in Board's principal office: Opinion and order adopted June 1, 1995 and supplemental opinion and order adopted June 15, 1995.

9) Notice of proposal published in Illinois Register: March 24, 1995, 19 Ill. Reg. 4268

10) Has JCAR issued a Statement of Objections to these rules? No

Sections 13(c) and 22.4(a) of the Environmental Protection Act [415 ILCS 5/13(c) & 22.4(a)] provide that Section 5 of the Administrative Procedure Act [5 ILCS 100/5-35 and 5-40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR. However, JCAR staff has reviewed the text of the amendments and recommended several minor revisions, as indicated in the table under question 11.

11) Differences between proposal and final version: The Board has made many revisions to the text of the amendments, most of which were in response to public comments. The revisions are tabulated in summary fashion below. The source of the revisions to each segment of the amendments is indicated by the notations, where (A) denotes the Illinois EPA (Agency), (B) denotes the Board, (C) denotes a commentator, (J) denotes JCAR, (S) denotes the

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Secretary of State, and (U) denotes U.S. EPA.

Section(Source) Board Action

726.200(c)(3)(A)(i) (J) Underline new semicolon

726.200(c)(3)(A)(iv) (S) Correct cross-reference to "(c)(1) (B)"

726.200(c)(3)(B)(iii) (S/B) Correct cross-reference to "Section 726.Appendix D or E"

726.200(g) "carcinogenic metals"(J) Underline new comma

726.App. M(J) Change "or" to "of"

12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreement letter issued by JCAR? Sections 13(c) and 22.4(a) of the Environmental Protection Act provide that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

13) Will these amendments replace emergency amendments currently in effect? No

14) Are there any other amendments pending on this Part? No

15) Summary and purpose of amendments: A more detailed description is contained in the Board's opinion and order of June 1, 1995 and supplemental opinion and order of June 15, 1995 in R95-4/R95-6, which opinion and order and supplemental opinion and order are available from the address below. Sections 13(c) and 22.4 of the Environmental Protection Act provide that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by JCAR.

This rulemaking updates the Board's RCRA Subtitle C and UIC rules to correspond with amendments adopted by U.S. EPA that appeared in the Federal Register during the period July 1 through December 31, 1994 and January 3 and May 19, 1995. The USEPA actions during this period were as follows:

Federal Action Summary

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- 59 Fed. Reg. 38536, July 28, 1994
Exclusion from definition of solid waste for certain in-process recycled secondary materials used by the petroleum refining industry
- 59 Fed. Reg. 43496, August 24, 1994
Withdrawal of exemption from Subtitle C regulation of slag residues from high temperature metal recovery (HTMR) of electric arc furnace dust (K061), steel finishing pickle liquor (K062), and electroplating sludges (F006) that are used in a manner constituting disposal
- 59 Fed. Reg. 47980, September 19, 1994
Restoration of text from 40 CFR 268.7(a) inadvertently omitted in the amendments of August 31, 1993, at 58 Fed. Reg. 46040
- 59 Fed. Reg. 47982, September 19, 1994
Phase II land disposal restrictions (LDRs): universal treatment standards for organic toxicity wastes and newly-listed wastes (including underground injection control (UIC) amendments)
- 59 Fed. Reg. 62896, December 6, 1994
Organic material air emission standards for tanks, surface impoundments, and containers (Subpart CC rules)
- In addition to these principal amendments that occurred during the update period, the Board included two additional, later actions:
- 60 Fed. Reg. 242, January 3, 1995
Corrections to the Phase II land disposal restrictions (universal treatment standards)
- 60 Fed. Reg. 26828, May 19, 1995
Delayed effective date for Subpart CC rules

The January 3 action was an amendment of the September 19, 1994 Phase II LDRs (universal waste rule). U.S. EPA corrected errors and clarified language in the universal treatment standards. The Board did not delay in adding these amendments for three reasons:

- 1) The January 3, 1995 amendments were corrections and clarifications of the September 19, 1994 regulations, and not new substantive amendments;

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- 2) Prompt action on the January 3, 1995 amendments will facilitate implementation of the Phase II LDRs; and
- 3) The Board received a request from the regulated community that we add the January 3, 1995 amendments to those of September 19, 1994. (See "Expedited Consideration" below.)

The Board also notes that the January 3 amendments occurred within six months of the earliest amendments included in this docket, even if they occurred outside the nominal time-frame of the docket. We included the May 19 amendments because they solely directly affect the effective date of principal amendments within this docket.

Specifically, the amendments to Part 726 incorporate three primary sets of federal amendments and some Board-initiated corrective and clarifying amendments to the open provisions. The amendments include the July 28, 1994 amendments relating to in-process recycling of certain secondary materials from the petroleum industry, the August 24, 1994 amendments pertaining to the use of HTMR slags, and the September 19, 1994 amendments to the BIF rules relating to mercury-recovery furnaces. The Board opened Sections 726.Appendices A through C and E for the express purpose of changing the format of those provisions.

- 16) Information and questions regarding this adopted amendments shall be directed to:

Michael J. McCambridge
Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60610
(312) 814-6924

Request copies of the Board's opinion and order of June 1, 1995 and supplemental opinion and order of June 15, 1995 from Victoria Agyeaman, at 312-814-3620.

The full text of the adopted amendments begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 726

STANDARDS FOR THE MANAGEMENT OF
SPECIFIC HAZARDOUS WASTE AND SPECIFIC TYPES
OF HAZARDOUS WASTE MANAGEMENT FACILITIESSUBPART C: RECYCLABLE MATERIALS USED IN A
MANNER CONSTITUTING DISPOSAL

Section

726.120

Standards applicable to generators and transporters of materials used in a manner that constitutes disposal

726.122

Standards applicable to storers, who are not the ultimate users, of materials that are to be used in a manner that constitutes disposal

726.123

Standards applicable to users of materials that are used in a manner that constitutes disposal

Section

726.130

Applicability (Repealed)

726.131

Prohibitions (Repealed)

726.132

Standards applicable to generators of hazardous waste fuel (Repealed)

726.133

Standards applicable to transporters of hazardous waste fuel (Repealed)

726.134

Standards applicable to marketers of hazardous waste fuel (Repealed)

726.135

Standards applicable to burners of hazardous waste fuel (Repealed)

726.136

Conditional exemption for spent materials and by-products exhibiting a characteristic of hazardous waste (Repealed)

SUBPART E: USED OIL BURNED FOR ENERGY RECOVERY (Repealed)

Section

726.140

Applicability (Repealed)

726.141

Prohibitions (Repealed)

726.142

Standards applicable to generators of used oil burned for energy recovery (Repealed)

726.143

Standards applicable to marketers of used oil burned for energy recovery (Repealed)

726.144

Standards applicable to burners of used oil burned for energy recovery (Repealed)

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SUBPART F: RECYCLABLE MATERIALS UTILIZED FOR
PRECIOUS METAL RECOVERY

Section

726.170

Applicability and requirements

SUBPART G: SPENT LEAD-ACID BATTERIES
BEING RECLAIMED

Section

726.180

Applicability and requirements

SUBPART H: HAZARDOUS WASTE BURNED IN BOILERS
AND INDUSTRIAL FURNACES

Section

726.200

Applicability

726.201

Management prior to burning

726.202

Permit standards for burners

726.203

Interim status standards for burners

726.204

Standards to control Organic Emissions

726.205

Standards to control PM

726.206

Standards to control Metals Emissions

726.207

Standards to control HCl and Chlorine Gas Emissions

726.208

Small quantity On-site Burner Exemption

726.209

Low risk waste Exemption

726.210

Waiver of DRE trial burn for Boilers

726.211

Standards for direct Transfer

726.212

Regulation of Residues

726.219

Extensions of Time

APPENDIX A

Tier I and Tier II Feed Rate and Emissions Screening Limits for Metals

APPENDIX B

Tier I Feed Rate Screening Limits for Total Chlorine

APPENDIX C

Tier II Emission Rate Screening Limits for Free Chlorine and Hydrogen Chloride

APPENDIX D

Reference Air Concentrations

APPENDIX E

Risk Specific Doses

APPENDIX F

Stack Plume Rise

APPENDIX G

Health-Based Limits for Exclusion of Waste-Derived Residues

APPENDIX H

Potential PICs for Determination of Exclusion of Waste-Derived Residues

APPENDIX I

Methods Manual for Compliance with BIF Regulations

APPENDIX J

Guideline on Air Quality Models

APPENDIX K

Lead-Bearing Materials That May be Processed in Exempt Lead Smelters

APPENDIX L

Nickel or Chromium-Bearing Materials that may be Processed in Exempt Nickel-Chromium Recovery Furnaces

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APPENDIX M	Mercury-Bearing Wastes That May Be Processed in Exempt Mercury Recovery Units
TABLE A	Exempt Quantities for Small Quantity Burner Exemption

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act (415 ILCS 5/22.4 and 27).

SOURCE: Adopted in R85-22 at 10 Ill. Reg. 1162, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14156, effective August 12, 1986; amended in R87-26 at 12 Ill. Reg. 2900, effective January 15, 1988; amended in R89-1 at 13 Ill. Reg. 18606, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. 14533, effective August 22, 1990; amended in R90-11 at 15 Ill. Reg. 9727, effective June 17, 1991; amended in R91-13 at 16 Ill. Reg. 9858, effective June 9, 1992; amended in R92-10 at 17 Ill. Reg. 5865, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20904, effective November 22, 1993; amended in R94-7 at 18 Ill. Reg. 12500, effective July 29, 1994; amended in R95-6 at 19 Ill. Reg. 10004, effective JUN 27 1995.

SUBPART C: RECYCLABLE MATERIALS USED IN A
MANNER CONSTITUTING DISPOSAL

Section 726.120 Applicability

- a) The regulations of this Subpart apply to recyclable materials that are applied to or placed on the land:
- 1) Without mixing with any other substance(s); or
 - 2) After mixing or combination with any other substance(s). These materials will be referred to throughout this Subpart as "materials used in a manner that constitutes disposal."
- b) Products produced for the general public's use that are used in a manner that constitutes disposal and that contain recyclable materials are not presently subject to regulation under this Subpart if the recyclable materials have undergone a chemical reaction in the course of producing the products so as to become inseparable by physical means and if such products meet the applicable treatment standards in 35 Ill. Adm. Code 728.132 or 728.139, where no treatment standards have been established for each recyclable material (i.e. hazardous waste) that they contain. Commercial fertilizers that are produced for the general public's use that contain recyclable materials also are not presently subject to regulation, provided they meet the same treatment standards or prohibitions levels for each recyclable material they contain. However, zinc-containing fertilizers using hazardous waste K061 that are produced for the general public's use are not presently subject to regulation under this Subpart.
- c) Anti-skid and deicing uses in a manner constituting disposal of slags that are generated from high temperature metals recovery (HTMR) processing of hazardous wastes K061, K062, and F006 are not covered by

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the exemption in subsection (b) above, and such uses of these materials remain subject to regulation.

(Source: Amended at 19 Ill. Reg. 10006, effective JUN 27 1995.)

Section 726.123 Standards applicable to users of materials that are used in a manner that constitutes disposal

- a) Owners or operators of facilities that use recyclable materials in a manner that constitutes disposal are regulated under all applicable provisions of 35 Ill. Adm. Code 702.703, and 705; 35 Ill. Adm. Code 724. Subparts A through N; and 35 Ill. Adm. Code 725. Subparts A through N; 35 Ill. Adm. Code 728; and 35 Ill. Adm. Code 727-729-730-731-732-733-734-735-736-737-738-739-740-741-742-743-744-745-746-747-748-749-750-751-752-753-754-755-756-757-758-759-760-761-762-763-764-765-766-767-768-769-770-771-772-773-774-775-776-777-778-779-780-781-782-783-784-785-786-787-788-789-790-791-792-793-794-795-796-797-798-799-800-801-802-803-804-805-806-807-808-809-810-811-812-813-814-815-816-817-818-819-820-821-822-823-824-825-826-827-828-829-830-831-832-833-834-835-836-837-838-839-840-841-842-843-844-845-846-847-848-849-850-851-852-853-854-855-856-857-858-859-860-861-862-863-864-865-866-867-868-869-870-871-872-873-874-875-876-877-878-879-880-881-882-883-884-885-886-887-888-889-890-891-892-893-894-895-896-897-898-899-900-901-902-903-904-905-906-907-908-909-910-911-912-913-914-915-916-917-918-919-920-921-922-923-924-925-926-927-928-929-930-931-932-933-934-935-936-937-938-939-940-941-942-943-944-945-946-947-948-949-950-951-952-953-954-955-956-957-958-959-960-961-962-963-964-965-966-967-968-969-970-971-972-973-974-975-976-977-978-979-980-981-982-983-984-985-986-987-988-989-990-991-992-993-994-995-996-997-998-999-1000-1001-1002-1003-1004-1005-1006-1007-1008-1009-1010-1011-1012-1013-1014-1015-1016-1017-1018-1019-1020-1021-1022-1023-1024-1025-1026-1027-1028-1029-1030-1031-1032-1033-1034-1035-1036-1037-1038-1039-1040-1041-1042-1043-1044-1045-1046-1047-1048-1049-1050-1051-1052-1053-1054-1055-1056-1057-1058-1059-1060-1061-1062-1063-1064-1065-1066-1067-1068-1069-1070-1071-1072-1073-1074-1075-1076-1077-1078-1079-1080-1081-1082-1083-1084-1085-1086-1087-1088-1089-1090-1091-1092-1093-1094-1095-1096-1097-1098-1099-1100-1101-1102-1103-1104-1105-1106-1107-1108-1109-1110-1111-1112-1113-1114-1115-1116-1117-1118-1119-1120-1121-1122-1123-1124-1125-1126-1127-1128-1129-1130-1131-1132-1133-1134-1135-1136-1137-1138-1139-1140-1141-1142-1143-1144-1145-1146-1147-1148-1149-1150-1151-1152-1153-1154-1155-1156-1157-1158-1159-1160-1161-1162-1163-1164-1165-1166-1167-1168-1169-1170-1171-1172-1173-1174-1175-1176-1177-1178-1179-1180-1181-1182-1183-1184-1185-1186-1187-1188-1189-1190-1191-1192-1193-1194-1195-1196-1197-1198-1199-1200-1201-1202-1203-1204-1205-1206-1207-1208-1209-1210-1211-1212-1213-1214-1215-1216-1217-1218-1219-1220-1221-1222-1223-1224-1225-1226-1227-1228-1229-1230-1231-1232-1233-1234-1235-1236-1237-1238-1239-1240-1241-1242-1243-1244-1245-1246-1247-1248-1249-1250-1251-1252-1253-1254-1255-1256-1257-1258-1259-1260-1261-1262-1263-1264-1265-1266-1267-1268-1269-1270-1271-1272-1273-1274-1275-1276-1277-1278-1279-1280-1281-1282-1283-1284-1285-1286-1287-1288-1289-1290-1291-1292-1293-1294-1295-1296-1297-1298-1299-1300-1301-1302-1303-1304-1305-1306-1307-1308-1309-1310-1311-1312-1313-1314-1315-1316-1317-1318-1319-1320-1321-1322-1323-1324-1325-1326-1327-1328-1329-1330-1331-1332-1333-1334-1335-1336-1337-1338-1339-1340-1341-1342-1343-1344-1345-1346-1347-1348-1349-1350-1351-1352-1353-1354-1355-1356-1357-1358-1359-1360-1361-1362-1363-1364-1365-1366-1367-1368-1369-1370-1371-1372-1373-1374-1375-1376-1377-1378-1379-1380-1381-1382-1383-1384-1385-1386-1387-1388-1389-1390-1391-1392-1393-1394-1395-1396-1397-1398-1399-1400-1401-1402-1403-1404-1405-1406-1407-1408-1409-1410-1411-1412-1413-1414-1415-1416-1417-1418-1419-1420-1421-1422-1423-1424-1425-1426-1427-1428-1429-1430-1431-1432-1433-1434-1435-1436-1437-1438-1439-1440-1441-1442-1443-1444-1445-1446-1447-1448-1449-1450-1451-1452-1453-1454-1455-1456-1457-1458-1459-1460-1461-1462-1463-1464-1465-1466-1467-1468-1469-1470-1471-1472-1473-1474-1475-1476-1477-1478-1479-1480-1481-1482-1483-1484-1485-1486-1487-1488-1489-1490-1491-1492-1493-1494-1495-1496-1497-1498-1499-1500-1501-1502-1503-1504-1505-1506-1507-1508-1509-1510-1511-1512-1513-1514-1515-1516-1517-1518-1519-1520-1521-1522-1523-1524-1525-1526-1527-1528-1529-1530-1531-1532-1533-1534-1535-1536-1537-1538-1539-1540-1541-1542-1543-1544-1545-1546-1547-1548-1549-1550-1551-1552-1553-1554-1555-1556-1557-1558-1559-1560-1561-1562-1563-1564-1565-1566-1567-1568-1569-1570-1571-1572-1573-1574-1575-1576-1577-1578-1579-1580-1581-1582-1583-1584-1585-1586-1587-1588-1589-1590-1591-1592-1593-1594-1595-1596-1597-1598-1599-1600-1601-1602-1603-1604-1605-1606-1607-1608-1609-1610-1611-1612-1613-1614-1615-1616-1617-1618-1619-1620-1621-1622-1623-1624-1625-1626-1627-1628-1629-1630-1631-1632-1633-1634-1635-1636-1637-1638-1639-1640-1641-1642-1643-1644-1645-1646-1647-1648-1649-1650-1651-1652-1653-1654-1655-1656-1657-1658-1659-1660-1661-1662-1663-1664-1665-1666-1667-1668-1669-1670-1671-1672-1673-1674-1675-1676-1677-1678-1679-1680-1681-1682-1683-1684-1685-1686-1687-1688-1689-1690-1691-1692-1693-1694-1695-1696-1697-1698-1699-1700-1701-1702-1703-1704-1705-1706-1707-1708-1709-1710-1711-1712-1713-1714-1715-1716-1717-1718-1719-1720-1721-1722-1723-1724-1725-1726-1727-1728-1729-1730-1731-1732-1733-1734-1735-1736-1737-1738-1739-1740-1741-1742-1743-1744-1745-1746-1747-1748-1749-1750-1751-1752-1753-1754-1755-1756-1757-1758-1759-1760-1761-1762-1763-1764-1765-1766-1767-1768-1769-1770-1771-1772-1773-1774-1775-1776-1777-1778-1779-1780-1781-1782-1783-1784-1785-1786-1787-1788-1789-1790-1791-1792-1793-1794-1795-1796-1797-1798-1799-1800-1801-1802-1803-1804-1805-1806-1807-1808-1809-1810-1811-1812-1813-1814-1815-1816-1817-1818-1819-1820-1821-1822-1823-1824-1825-1826-1827-1828-1829-1830-1831-1832-1833-1834-1835-1836-1837-1838-1839-1840-1841-1842-1843-1844-1845-1846-1847-1848-1849-1850-1851-1852-1853-1854-1855-1856-1857-1858-1859-1860-1861-1862-1863-1864-1865-1866-1867-1868-1869-1870-1871-1872-1873-1874-1875-1876-1877-1878-1879-1880-1881-1882-1883-1884-1885-1886-1887-1888-1889-1890-1891-1892-1893-1894-1895-1896-1897-1898-1899-1900-1901-1902-1903-1904-1905-1906-1907-1908-1909-1910-1911-1912-1913-1914-1915-1916-1917-1918-1919-1920-1921-1922-1923-1924-1925-1926-1927-1928-1929-1930-1931-1932-1933-1934-1935-1936-1937-1938-1939-1940-1941-1942-1943-1944-1945-1946-1947-1948-1949-1950-1951-1952-1953-1954-1955-1956-1957-1958-1959-1960-1961-1962-1963-1964-1965-1966-1967-1968-1969-1970-1971-1972-1973-1974-1975-1976-1977-1978-1979-1980-1981-1982-1983-1984-1985-1986-1987-1988-1989-1990-1991-1992-1993-1994-1995-1996-1997-1998-1999-2000-2001-2002-2003-2004-2005-2006-2007-2008-2009-2010-2011-2012-2013-2014-2015-2016-2017-2018-2019-2020-2021-2022-2023-2024-2025-2026-2027-2028-2029-2030-2031-2032-2033-2034-2035-2036-2037-2038-2039-2040-2041-2042-2043-2044-2045-2046-2047-2048-2049-2050-2051-2052-2053-2054-2055-2056-2057-2058-2059-2060-2061-2062-2063-2064-2065-2066-2067-2068-2069-2070-2071-2072-2073-2074-2075-2076-2077-2078-2079-2080-2081-2082-2083-2084-2085-2086-2087-2088-2089-2090-2091-2092-2093-2094-2095-2096-2097-2098-2099-2100-2101-2102-2103-2104-2105-2106-2107-2108-2109-2110-2111-2112-2113-2114-2115-2116-2117-2118-2119-2120-2121-2122-2123-2124-2125-2126-2127-2128-2129-2130-2131-2132-2133-2134-2135-2136-2137-2138-2139-2140-2141-2142-2143-2144-2145-2146-2147-2148-2149-2150-2151-2152-2153-2154-2155-2156-2157-2158-2159-2160-2161-2162-2163-2164-2165-2166-2167-2168-2169-2170-2171-2172-2173-2174-2175-2176-2177-2178-2179-2180-2181-2182-2183-2184-2185-2186-2187-2188-2189-2190-2191-2192-2193-2194-2195-2196-2197-2198-2199-2200-2201-2202-2203-2204-2205-2206-2207-2208-2209-2210-2211-2212-2213-2214-2215-2216-2217-2218-2219-2220-2221-2222-2223-2224-2225-2226-2227-2228-2229-2230-2231-2232-2233-2234-2235-2236-2237-2238-2239-2240-2241-2242-2243-2244-2245-2246-2247-2248-2249-2250-2251-2252-2253-2254-2255-2256-2257-2258-2259-2260-2261-2262-2263-2264-2265-2266-2267-2268-2269-2270-2271-2272-2273-2274-2275-2276-2277-2278-2279-2280-2281-2282-2283-2284-2285-2286-2287-2288-2289-2290-2291-2292-2293-2294-2295-2296-2297-2298-2299-2300-2301-2302-2303-2304-2305-2306-2307-2308-2309-2310-2311-2312-2313-2314-2315-2316-2317-2318-2319-2320-2321-2322-2323-2324-2325-2326-2327-2328-2329-2330-2331-2332-2333-2334-2335-2336-2337-2338-2339-2340-2341-2342-2343-2344-2345-2346-2347-2348-2349-2350-2351-2352-2353-2354-2355-2356-2357-2358-2359-2360-2361-2362-2363-2364-2365-2366-2367-2368-2369-2370-2371-2372-2373-2374-2375-2376-2377-2378-2379-2380-2381-2382-2383-2384-2385-2386-2387-2388-2389-2390-2391-2392-2393-2394-2395-2396-2397-2398-2399-2400-2401-2402-2403-2404-2405-2406-2407-2408-2409-2410-2411-2412-2413-2414-2415-2416-2417-2418-2419-2420-2421-2422-2423-2424-2425-2426-2427-2428-2429-2430-2431-2432-2433-2434-2435-2436-2437-2438-2439-2440-2441-2442-2443-2444-2445-2446-2447-2448-2449-2450-2451-2452-2453-2454-2455-2456-2457-2458-2459-2460-2461-2462-2463-2464-2465-2466-2467-2468-2469-2470-2471-2472-2473-2474-2475-2476-2477-2478-2479-2480-2481-2482-2483-2484-2485-2486-2487-2488-2489-2490-2491-2492-2493-2494-2495-2496-2497-2498-2499-2500-2501-2502-2503-2504-2505-2506-2507-2508-2509-2510-2511-2512-2513-2514-2515-2516-2517-2518-2519-2520-2521-2522-2523-2524-2525-2526-2527-2528-2529-2530-2531-2532-2533-2534-2535-2536-2537-2538-2539-2540-2541-2542-2543-2544-2545-2546-2547-2548-2549-2550-2551-2552-2553-2554-2555-2556-2557-2558-2559-2560-2561-2562-2563-2564-2565-2566-2567-2568-2569-2570-2571-2572-2573-2574-2575-2576-2577-2578-2579-2580-2581-2582-2583-2584-2585-2586-2587-2588-2589-2590-2591-2592-2593-2594-2595-2596-2597-2598-2599-2600-2601-2602-2603-2604-2605-2606-2607-2608-2609-2610-2611-2612-2613-2614-2615-2616-2617-2618-2619-2620-2621-2622-2623-2624-2625-2626-2627-2628-2629-2630-2631-2632-2633-2634-2635-2636-2637-2638-2639-2640-2641-2642-2643-2644-2645-2646-2647-2648-2649-2650-2651-2652-2653-2654-2655-2656-2657-2658-2659-2660-2661-2662-2663-2664-2665-2666-2667-2668-2669-2670-2671-2672-2673-2674-2675-2676-2677-2678-2679-2680-2681-2682-2683-2684-2685-2686-2687-2688-2689-2690-2691-2692-2693-2694-2695-2696-2697-2698-2699-2700-2701-2702-2703-2704-2705-2706-2707-2708-2709-2710-2711-2712-2713-2714-2715-2716-2717-2718-2719-2720-2721-2722-2723-2724-2725-2726-2727-2728-2729-2730-2731-2732-2733-2734-2735-2736-2737-2738-2739-2740-2741-2742-2743-2744-2745-2746-2747-2748-2749-2750-2751-2752-2753-2754-2755-2756-2757-2758-2759-2760-2761-2762-2763-2764-2765-2766-2767-2768-2769-2770-2771-2772-2773-2774-2775-2776-2777-2778-2779-2780-2781-2782-2783-2784-2785-2786-2787-2788-2789-2790-2791-2792-2793-2794-2795-2796-2797-2798-2799-2800-2801-2802-2803-2804-2805-2806-2807-2808-2809-2810-2811-2812-2813-2814-2815-2816-2817-2818-2819-2820-2821-2822-2823-2824-2825-2826-2827-2828-2829-2830-2831-2832-2833-2834-2835-2836-2837-2838-2839-2840-2841-2842-2843-2844-2845-2846-2847-2848-2849-2850-2851-2852-2853-2854-2855-2856-2857-2858-2859-2860-2861-2862-2863-2864-2865-2866-2867-2868-2869-2870-2871-2872-2873-2874-2875-2876-2877-2878-2879-2880-2881-2882-2883-288

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than this Subpart:

- 2) Gas recovered from hazardous or solid waste landfills, when such gas is burned for energy recovery;
 - 3) Hazardous wastes that are exempt from regulation under 35 Ill. Adm. Code 721.104 and 721.106(a)(3)(ED) through (a)(3)(F)(H) and hazardous wastes that are subject to the special requirements for conditionally exempt small quantity generators under 35 Ill. Adm. Code 721.105; and
 - 4) Coke ovens, if the only hazardous waste burned is U.S. EPA ~~HSEBPA~~ Hazardous--Waste--No hazardous waste no. K0877 decanter tank tar sludge from coking operations.
- c) Owners and operators of smelting, melting, and refining furnaces (including pyrometallurgical devices such as cupolas, sintering machines, roasters and foundry furnaces, but not including cement kilns, aggregate kilns, or halogen acid furnaces burning hazardous waste) that process hazardous waste solely for metal recovery are conditionally exempt from regulation under this Subpart, except for Sections 726.201 and 726.212.
- 1) To be exempt from Sections 726.202 through 726.211, an owner or operator of a metal recovery furnace or mercury recovery furnace shall comply with the following requirements, except that an owner or operator of a lead or a nickel-chromium recovery furnace or a metal recovery furnace that burns baghouse bags used to capture metallic dust emitted by steel manufacturing, shall comply with the requirements of subsection (c)(3) below:
- A) Provide a one-time written notice to the Agency indicating the following:

- i) The owner or operator claims exemption under this subsection;
 - ii) The hazardous waste is burned solely for metal recovery consistent with the provisions of subsection (c)(2) below;
 - iii) The hazardous waste contains recoverable levels of metals; and
 - iv) The owner or operator will comply with the sampling and analysis and recordkeeping requirements of this subsection;
- B) Sample and analyze the hazardous waste and other feedstocks as necessary to comply with the requirements of this subsection under procedures specified by Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111, or alternative methods that meet or exceed the SW-846 method performance capabilities. If SW-846 does not prescribe a method for a particular determination, the owner or operator shall use the best available method; and
- C) Maintain at the facility for at least three years records to document compliance with the provisions of this subsection

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including limits on levels of toxic organic constituents and Btu value of the waste, and levels of recoverable metals in the hazardous waste compared to normal non-hazardous waste feedstocks.

- 2) A hazardous waste meeting either of the following criteria is not processed solely for metal recovery:

- A) The hazardous waste has a total concentration of organic compounds listed in 35 Ill. Adm. Code 721.106(a)(3)(ED) exceeding 500 ppm by weight, as fired, and so is considered to be burned for destruction. The concentration of organic compounds in a waste as-generated may be reduced to the 500 ppm limit by bona fide treatment that removes or destroys organic constituents. Blending for dilution to meet the 500 ppm limit is prohibited, and documentation that the waste has not been impermissibly diluted must be retained in the records required by subsection (c)(1)(C) above; or
- B) The hazardous waste has a heating value of 5,000 Btu/lb or more, as-fired, and is so considered to be burned as fuel. The heating value of a waste as-generated may be reduced to below the 5,000 Btu/lb limit by bona fide treatment that removes or destroys organic constituents. Blending for dilution to meet the 5,000 Btu/lb limit is prohibited and documentation that the waste has not been impermissibly diluted must be retained in the records required by subsection (c)(1)(C) above.

- 3) To be exempt from Sections 726.202 through 726.211, and owner or operator of a lead, or nickel-chromium, or mercury recovery furnace or a metal recovery furnace that burns a baghouse bags used to capture metallic dusts emitted by steel manufacturing must provide a one-time written notice to the Agency identifying each hazardous waste burned and specifying whether the owner or operator claims an exemption for each waste under this subsection or subsection (c)(1) above. The owner or operator shall comply with the requirements of subsection (c)(1) above for those wastes claimed to be exempt under that subsection and ~~shall~~ comply with the following requirements ~~below~~ for those wastes claimed to be exempt under this subsection:

- A) The hazardous wastes listed in Sections 726.202 through 726.211, and L, and M and baghouse bags used to capture metallic dusts emitted by steel manufacturing are exempt from the requirements of subsection (c)(1) above, provided that:
 - i) A waste listed in Appendix K must contain recoverable levels of lead; A waste listed in Appendix L must contain recoverable levels of nickel or chromium, a waste listed in Section 726.202 through 726.211 must contain recoverable levels of mercury and contain less than 500 ppm of 35 Ill. Adm. Code 261.106(a)(3)(ED) organic constituents, and baghouse bags used to capture

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metallic dusts emitted by steel manufacturing must contain recoverable levels of metal; and

- ii) The waste does not exhibit the Toxicity Characteristic of 35 Ill. Adm. Code 721.124 for an organic constituent; and

- iii) The waste is not a hazardous waste listed in 35 Ill. Adm. Code 721.124 Subpart D because it is listed for an organic constituent, as identified in 35 Ill. Adm. Code 721.124 Subpart G; and

- iv) The owner or operator certifies in the one-time notice that hazardous waste is burned under the provisions of subsection (c)(3) above, and that sampling and analysis will be conducted or other information will be obtained as necessary to ensure continued compliance with these requirements. Sampling and analysis must be conducted according to subsection (c)(1)(B) above, and records to document compliance with Subsection (c)(3) above must be kept for at least three years.

- B) The Agency may decide, on a case-by-case basis, that the toxic organic constituents in a material listed in Appendix K, or Section 726.124 Subpart L, or 726.124 Subpart M that contains a total concentration of more than 500 ppm toxic organic compounds listed in 35 Ill. Adm. Code 721.124 Subpart H may pose a hazard to human health and the environment when burned in a metal recovery furnace exempt from the requirements of this Subpart. ~~in that situation~~ Under these circumstances, after adequate notice and opportunity for comment, the metal recovery furnace will become subject to the requirements of this Subpart when burning that material. In making the hazard determination, the Agency shall consider the following factors:

- i) The concentration and toxicity of organic constituents in the material; and
- ii) The level of destruction of toxic organic constituents provided by the furnace; and
- iii) Whether the acceptable ambient levels established in Section 726.124 Subpart L, or 726.124 Subpart M, or 726.124 Subpart H will be exceeded for any toxic organic compound that may be emitted based on dispersion modeling to predict the maximum annual average off-site ground level concentration.

- d) The standards for direct transfer operations under Section 726.124 apply only to facilities subject to the permit standards of Section 726.124 or the interim status standards of Section 726.203.

- e) The management standards for residues under Section 726.124 apply to any BIF burning hazardous waste.

- f) Owners and operators of smelting, melting, and refining furnaces

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(including pyrometallurgical devices such as cupolas, sintering machines, roasters, and foundry furnaces) that process hazardous waste for recovery of economically significant amounts of the precious metals gold, silver, platinum, palladium, iridium, osmium, rhodium, or ruthenium, or any combination of these metals, are conditionally exempt from regulation under this Subpart, except for Section 726.212. To be exempt from Sections 726.202 through 726.211, an owner or operator shall:

- 1) Provide a one-time written notice to the Agency indicating the following:

- A) The owner or operator claims exemption under this Section;
- B) The hazardous waste is burned for legitimate recovery of precious metal; and

- C) The owner or operator will comply with the sampling and analysis and recordkeeping requirements of this Section;

- 2) Sample and analyze the hazardous waste, as necessary, to document that the waste is burned for recovery of economically significant amounts of precious metal, using procedures specified by Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111, or alternative methods that meet or exceed the SW-846 method performance capabilities. If SW-846 does not prescribe a method for a particular determination, the owner or operator shall use the best available method; and

- 3) Maintain, at the facility for at least three years, records to document that all hazardous wastes burned are burned for recovery of economically significant amounts of precious metal.

- g) Abbreviations and definitions. The following definitions and abbreviations are used in this Subpart:

"APCS" means air pollution control system.

"BIF" means boiler or industrial furnace.

"Carcinogenic metals" means arsenic, beryllium, cadmium, and chromium.

"CO" means carbon monoxide.

"Continuous monitor" is a monitor which that continuously samples the regulated parameter without interruption, and that evaluates the detector response at least once each 15 seconds, and that computes and records the average value at least every 60 seconds.

"DRE" means destruction or removal efficiency.

"cu m" or "m(3)" means cubic meters.

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"g" means "ten to the power". For example, "XE-Y" means "X times ten to the -Y power".

"Feed rates" are measured as specified in Section 726.202(e)(6).

"Good engineering practice stack height" is as defined by 40 CFR 51.100(f)(1), incorporated by reference in 35 Ill. Adm. Code 720.121.

"HC" means hydrocarbon.

"HCl" means hydrogen chloride gas.

"Hourly rolling average" means the arithmetic mean of the 60 most recent one-minute average values recorded by the continuous monitoring system.

"K" means Kelvin.

"kVA" means kilovolt amperes.

"MEI" means maximum exposed individual.

"MEI location" means the point with the maximum annual average off-site (unless on-site is required) ground level concentration.

"Noncarcinogenic metals" means antimony, barium, lead, mercury, thallium, and silver.

"One hour block average" means the arithmetic mean of the one minute averages recorded during the 60-minute period beginning at one minute after the beginning of preceding clock hour

"PIC" means product of incomplete combustion.

"PM" means particulate matter.

"POHC" means principal organic hazardous constituent.

"ppmv" means parts per million by volume.

"QA/QC" means quality assurance and quality control.

"Rolling average for the selected averaging period" means the arithmetic mean of one hour block averages for the averaging period.

"RAC" means reference air concentration, the acceptable ambient

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level for the noncarcinogenic metals for purposes of this Subpart. RACs are specified in Appendix D.

"RSD" means risk-specific dose, the acceptable ambient level for the carcinogenic metals for purposes of this Subpart. RSDs are specified in Appendix E.

"SSU" means "Saybolt Seconds Universal", a unit of viscosity measured by ASTM D 88-87 or D 2161-87, incorporated by reference in 35 Ill. Adm. Code 720.111.

"TCLP test" means the toxicity characteristic leaching procedure of 35 Ill. Adm. Code 721.124.

"TESH" means terrain-adjusted effective stack height (in meters).

"Tier I". See Section 726.206(b).

"Tier II". See Section 726.206(c).

"Tier III". See Section 726.206(d).

"Toxicity equivalence" is estimated, pursuant to Section 726.204(e), using "procedures for Estimating the Toxicity Equivalence of Chlorinated Dibenzo-p-Dioxin and Dibenzofuran Congeners" in Appendix I ~~to~~ ^{of} ~~the~~ ^{the} ~~document~~ ^{document}.

"ug" means microgram.

(Source: Amended at 19 Ill. Reg. 1006, effective JUN 27 1995)

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Section 726.APPENDIX A Tier I and Tier II Feed Rate and Emissions Screening Limits for Noncarcinogenic Metals

I-A

Tier I and Tier II Feed Rate and Emissions Screening Limits for Noncarcinogenic Metals for Facilities in Noncomplex Terrain
[Values for urban areas]

PESH (mt)	Antimony (g/hr)	Barium (g/hr)	Lead (g/hr)	Mercury (g/hr)	Silver (g/hr)	Thallium (g/hr)
4	6-0B+01	1-0B+04	1-0B+01	6-0B+01	6-0B+02	6-0B+01
6	6-0B+01	1-0B+04	1-0B+01	6-0B+01	6-0B+02	6-0B+01
8	7-0B+01	1-0B+04	2-0B+01	7-0B+01	7-0B+02	7-0B+01
10	8-0B+01	1-0B+04	2-0B+01	8-0B+01	8-0B+02	8-0B+01
12	9-0B+01	1-0B+04	3-0B+01	9-0B+01	9-0B+02	9-0B+01
14	1-0B+02	1-0B+04	3-0B+01	1-0B+02	1-0B+03	1-0B+02
16	1-0B+02	2-0B+04	3-0B+01	1-0B+02	1-0B+03	1-0B+02
18	1-0B+02	2-0B+04	3-0B+01	1-0B+02	1-0B+03	1-0B+02
20	1-0B+02	2-0B+04	3-0B+01	1-0B+02	1-0B+03	1-0B+02
22	1-0B+02	2-0B+04	3-0B+01	1-0B+02	1-0B+03	1-0B+02
24	1-0B+02	2-0B+04	3-0B+01	1-0B+02	1-0B+03	1-0B+02
26	1-0B+02	2-0B+04	3-0B+01	1-0B+02	1-0B+03	1-0B+02
28	1-0B+02	2-0B+04	3-0B+01	1-0B+02	1-0B+03	1-0B+02
30	1-0B+02	2-0B+04	3-0B+01	1-0B+02	1-0B+03	1-0B+02
32	1-0B+02	2-0B+04	3-0B+01	1-0B+02	1-0B+03	1-0B+02
34	1-0B+02	2-0B+04	3-0B+01	1-0B+02	1-0B+03	1-0B+02
36	1-0B+02	2-0B+04	3-0B+01	1-0B+02	1-0B+03	1-0B+02
38	1-0B+02	2-0B+04	3-0B+01	1-0B+02	1-0B+03	1-0B+02
40	1-0B+02	2-0B+04	3-0B+01	1-0B+02	1-0B+03	1-0B+02
42	1-0B+02	2-0B+04	3-0B+01	1-0B+02	1-0B+03	1-0B+02
44	1-0B+02	2-0B+04	3-0B+01	1-0B+02	1-0B+03	1-0B+02
46	1-0B+02	2-0B+04	3-0B+01	1-0B+02	1-0B+03	1-0B+02
48	1-0B+02	2-0B+04	3-0B+01	1-0B+02	1-0B+03	1-0B+02
50	1-0B+02	2-0B+04	3-0B+01	1-0B+02	1-0B+03	1-0B+02
52	1-0B+02	2-0B+04	3-0B+01	1-0B+02	1-0B+03	1-0B+02
54	1-0B+02	2-0B+04	3-0B+01	1-0B+02	1-0B+03	1-0B+02
56	1-0B+02	2-0B+04	3-0B+01	1-0B+02	1-0B+03	1-0B+02
58	1-0B+02	2-0B+04	3-0B+01	1-0B+02	1-0B+03	1-0B+02
60	1-0B+02	2-0B+04	3-0B+01	1-0B+02	1-0B+03	1-0B+02
62	1-0B+02	2-0B+04	3-0B+01	1-0B+02	1-0B+03	1-0B+02
64	1-0B+02	2-0B+04	3-0B+01	1-0B+02	1-0B+03	1-0B+02
66	1-0B+02	2-0B+04	3-0B+01	1-0B+02	1-0B+03	1-0B+02
68	1-0B+02	2-0B+04	3-0B+01	1-0B+02	1-0B+03	1-0B+02
70	1-0B+02	2-0B+04	3-0B+01	1-0B+02	1-0B+03	1-0B+02
72	1-0B+02	2-0B+04	3-0B+01	1-0B+02	1-0B+03	1-0B+02
74	1-0B+02	2-0B+04	3-0B+01	1-0B+02	1-0B+03	1-0B+02
76	1-0B+02	2-0B+04	3-0B+01	1-0B+02	1-0B+03	1-0B+02
78	1-0B+02	2-0B+04	3-0B+01	1-0B+02	1-0B+03	1-0B+02
80	1-0B+02	2-0B+04	3-0B+01	1-0B+02	1-0B+03	1-0B+02
82	1-0B+02	2-0B+04	3-0B+01	1-0B+02	1-0B+03	1-0B+02
84	1-0B+02	2-0B+04	3-0B+01	1-0B+02	1-0B+03	1-0B+02
86	1-0B+02	2-0B+04	3-0B+01	1-0B+02	1-0B+03	1-0B+02
88	1-0B+02	2-0B+04	3-0B+01	1-0B+02	1-0B+03	1-0B+02
90	1-0B+02	2-0B+04	3-0B+01	1-0B+02	1-0B+03	1-0B+02
92	1-0B+02	2-0B+04	3-0B+01	1-0B+02	1-0B+03	1-0B+02
94	1-0B+02	2-0B+04	3-0B+01	1-0B+02	1-0B+03	1-0B+02
96	1-0B+02	2-0B+04	3-0B+01	1-0B+02	1-0B+03	1-0B+02
98	1-0B+02	2-0B+04	3-0B+01	1-0B+02	1-0B+03	1-0B+02
100	1-0B+02	2-0B+04	3-0B+01	1-0B+02	1-0B+03	1-0B+02
102	1-0B+02	2-0B+04	3-0B+01	1-0B+02	1-0B+03	1-0B+02
104	1-0B+02	2-0B+04	3-0B+01	1-0B+02	1-0B+03	1-0B+02
106	1-0B+02	2-0B+04	3-0B+01	1-0B+02	1-0B+03	1-0B+02
108	1-0B+02	2-0B+04	3-0B+01	1-0B+02	1-0B+03	1-0B+02
110	1-0B+02	2-0B+04	3-0B+01	1-0B+02	1-0B+03	1-0B+02
112	1-0B+02	2-0B+04	3-0B+01	1-0B+02	1-0B+03	1-0B+02
114	1-0B+02	2-0B+04	3-0B+01	1-0B+02	1-0B+03	1-0B+02
116	1-0B+02	2-0B+04	3-0B+01	1-0B+02	1-0B+03	1-0B+02
118	1-0B+02	2-0B+04	3-0B+01	1-0B+02	1-0B+03	1-0B+02
120	1-0B+02	2-0B+04	3-0B+01	1-0B+02	1-0B+03	1-0B+02

I-B

Tier I and Tier II Feed Rate and Emissions Screening Limits for Noncarcinogenic Metals for Facilities in Noncomplex Terrain
[Values for rural areas]

PESH (mt)	Antimony (g/hr)	Barium (g/hr)	Lead (g/hr)	Mercury (g/hr)	Silver (g/hr)	Thallium (g/hr)
4	3-1B+01	5-2B+03	9-4B+00	3-1B+01	3-1B+02	3-1B+01
6	3-1B+01	6-0B+03	1-1B+01	3-1B+01	3-1B+02	3-1B+01
8	4-0B+01	6-0B+03	1-2B+01	4-0B+01	4-0B+02	4-0B+01
10	4-0B+01	7-0B+03	1-4B+01	4-0B+01	4-0B+02	4-0B+01
12	5-0B+01	9-6B+03	1-7B+01	5-0B+01	5-0B+02	5-0B+01
14	6-0B+01	1-1B+04	2-1B+01	6-0B+01	6-0B+02	6-0B+01
16	8-0B+01	1-4B+04	2-6B+01	8-0B+01	8-0B+02	8-0B+01
18	1-1B+02	1-0B+04	3-2B+01	1-1B+02	1-1B+03	1-1B+02

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6	68.	11000.	20.	68.	680.	68.
8	76.	13000.	23.	76.	760.	76.
10	86.	14000.	26.	86.	860.	86.
12	96.	17000.	30.	96.	960.	96.
14	110.	18000.	34.	110.	1100.	110.
16	130.	21000.	36.	130.	1300.	130.
18	140.	24000.	43.	140.	1400.	140.
20	160.	27000.	46.	160.	1600.	160.
22	180.	30000.	54.	180.	1800.	180.
24	200.	34000.	60.	200.	2000.	200.
26	230.	39000.	68.	230.	2300.	230.
28	260.	43000.	78.	260.	2600.	260.
30	300.	50000.	90.	300.	3000.	300.
32	400.	66000.	110.	400.	4000.	400.
34	460.	78000.	140.	460.	4600.	460.
36	600.	100000.	180.	600.	6000.	600.
38	780.	130000.	230.	780.	7800.	780.
40	960.	170000.	300.	960.	9600.	960.
42	1200.	200000.	360.	1200.	12000.	1200.
44	1500.	250000.	430.	1500.	15000.	1500.
46	1700.	280000.	500.	1700.	17000.	1700.
48	1900.	320000.	580.	1900.	19000.	1900.
50	2200.	360000.	640.	2200.	22000.	2200.
52	2500.	400000.	760.	2500.	25000.	2500.
54	2800.	460000.	820.	2800.	28000.	2800.
56	3200.	540000.	960.	3200.	32000.	3200.
58	3600.	600000.	1100.	3600.	36000.	3600.
60	4000.	680000.	1200.	4000.	40000.	4000.
62	4600.	780000.	1400.	4600.	46000.	4600.
64	5400.	860000.	1600.	5400.	54000.	5400.
66	6000.	1000000.	1800.	6000.	60000.	6000.

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TESH (m)	Antimony (g/hr)	Barium (g/hr)	Lead (g/hr)	Mercury (g/hr)	Silver (g/hr)	Thallium (g/hr)
4	31.	5200.	9.4	31.	310.	31.
6	36.	6000.	11.	36.	360.	36.
8	40.	6800.	12.	40.	400.	40.
10	46.	7800.	14.	46.	460.	46.
12	58.	9600.	17.	58.	580.	58.
14	68.	11000.	21.	68.	680.	68.
16	86.	14000.	26.	86.	860.	86.
18	110.	18000.	32.	110.	1100.	110.
20	130.	22000.	40.	130.	1300.	130.
22	170.	28000.	50.	170.	1700.	170.
24	220.	36000.	64.	220.	2200.	220.
26	280.	46000.	82.	280.	2800.	280.
28	350.	58000.	100.	350.	3500.	350.
30	430.	72000.	130.	430.	4300.	430.
35	720.	120000.	210.	720.	7200.	720.
40	1100.	180000.	320.	1100.	11000.	1100.
45	1500.	250000.	460.	1500.	15000.	1500.
50	2000.	330000.	600.	2000.	20000.	2000.
55	2600.	440000.	780.	2600.	26000.	2600.
60	3400.	580000.	1000.	3400.	34000.	3400.

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TESH (m)	Antimony (g/hr)	Barium (g/hr)	Lead (g/hr)	Mercury (g/hr)	Silver (g/hr)	Thallium (g/hr)
65	4600.	760000.	1400.	4600.	46000.	4600.
70	5400.	900000.	1600.	5400.	54000.	5400.
75	6400.	1100000.	1900.	6400.	64000.	6400.
80	7600.	1300000.	2300.	7600.	76000.	7600.
95	9400.	1500000.	2800.	9400.	94000.	9400.
100	11000.	1800000.	3300.	11000.	110000.	11000.
105	13000.	2200000.	3900.	13000.	130000.	13000.
110	15000.	2600000.	4600.	15000.	150000.	15000.
115	18000.	3000000.	5400.	18000.	180000.	18000.
120	22000.	3600000.	6500.	22000.	220000.	22000.
125	26000.	4400000.	7800.	26000.	260000.	26000.
130	31000.	5000000.	9200.	31000.	310000.	31000.

I-C

Tier I and Tier II Feed Rate and Emissions Screening Limits for
Noncarcinogenic Metals for Facilities in Complex Terrain

Values for urban and rural areas

TESH (m)	Antimony (g/hr)	Barium (g/hr)	Lead (g/hr)	Mercury (g/hr)	Silver (g/hr)	Thallium (g/hr)
4	1-4B+01	2-4B+03	4-3B+00	1-4B+01	1-4B+02	1-4B+01
6	2-1B+01	3-5B+03	6-2B+00	2-1B+01	2-1B+02	2-1B+01
8	3-0B+01	4-6B+03	9-2B+00	3-0B+01	3-0B+02	3-0B+01
10	4-3B+01	7-7B+03	1-3B+01	4-3B+01	4-3B+02	4-3B+01
12	5-4B+01	9-9B+03	1-7B+01	5-4B+01	5-4B+02	5-4B+01
14	6-0B+01	1-1B+04	2-0B+01	6-0B+01	6-0B+02	6-0B+01
16	7-0B+01	1-3B+04	2-4B+01	7-0B+01	7-0B+02	7-0B+01
18	8-6B+01	1-4B+04	2-6B+01	8-6B+01	8-6B+02	8-6B+01
20	9-6B+01	1-6B+04	2-9B+01	9-6B+01	9-6B+02	9-6B+01
22	1-0B+02	1-8B+04	3-2B+01	1-0B+02	1-0B+03	1-0B+02
24	1-2B+02	1-9B+04	3-5B+01	1-2B+02	1-2B+03	1-2B+02
26	1-3B+02	2-2B+04	3-6B+01	1-3B+02	1-3B+03	1-3B+02
28	1-4B+02	2-7B+04	4-3B+01	1-4B+02	1-4B+03	1-4B+02
30	1-6B+02	3-7B+04	4-6B+01	1-6B+02	1-6B+03	1-6B+02
35	2-0B+02	3-9B+04	5-0B+01	2-0B+02	2-0B+03	2-0B+02
40	2-4B+02	4-1B+04	7-2B+01	2-4B+02	2-4B+03	2-4B+02
45	3-0B+02	5-0B+04	9-0B+01	3-0B+02	3-0B+03	3-0B+02
50	3-6B+02	6-0B+04	1-1B+02	3-6B+02	3-6B+03	3-6B+02
55	4-6B+02	7-6B+04	1-4B+02	4-6B+02	4-6B+03	4-6B+02
60	5-0B+02	9-4B+04	1-7B+02	5-0B+02	5-0B+03	5-0B+02
65	6-0B+02	1-1B+05	2-1B+02	6-0B+02	6-0B+03	6-0B+02
70	7-0B+02	1-3B+05	2-4B+02	7-0B+02	7-0B+03	7-0B+02
75	8-6B+02	1-4B+05	2-6B+02	8-6B+02	8-6B+03	8-6B+02
80	9-6B+02	1-6B+05	2-9B+02	9-6B+02	9-6B+03	9-6B+02
85	1-0B+03	1-8B+05	3-2B+02	1-0B+03	1-0B+04	1-0B+03
90	1-2B+03	2-0B+05	3-5B+02	1-2B+03	1-2B+04	1-2B+03

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TESH (m)	Antimony (g/hr)	Barium (g/hr)	Lead (g/hr)	Mercury (g/hr)	Silver (g/hr)	Thallium (g/hr)
4	14.	2400.	4.3	14.	140.	14.
5	21.	3500.	6.2	21.	210.	21.
8	30.	5000.	9.2	30.	300.	30.
10	43.	7600.	13.	43.	430.	43.
12	54.	9000.	17.	54.	540.	54.
14	68.	11000.	20.	68.	680.	68.
16	78.	13000.	24.	78.	780.	78.
18	86.	14000.	26.	86.	860.	86.
20	96.	16000.	29.	96.	960.	96.
22	100.	18000.	32.	100.	1000.	100.
24	120.	19000.	35.	120.	1200.	120.
26	130.	22000.	36.	130.	1300.	130.
28	140.	24000.	43.	140.	1400.	140.
30	160.	27000.	46.	160.	1600.	160.
35	200.	33000.	58.	200.	2000.	200.
40	240.	40000.	72.	240.	2400.	240.
45	300.	50000.	90.	300.	3000.	300.
50	360.	60000.	110.	360.	3600.	360.
55	460.	76000.	140.	460.	4600.	460.
60	580.	94000.	170.	580.	5800.	580.
65	680.	110000.	210.	680.	6800.	680.
70	780.	130000.	240.	780.	7800.	780.
75	860.	140000.	260.	860.	8600.	860.
80	960.	160000.	290.	960.	9600.	960.
85	1100.	180000.	330.	1100.	11000.	1100.
90	1200.	200000.	360.	1200.	12000.	1200.
95	1400.	230000.	400.	1400.	14000.	1400.
100	1500.	260000.	460.	1500.	15000.	1500.
105	1700.	280000.	500.	1700.	17000.	1700.
110	1900.	320000.	580.	1900.	19000.	1900.
115	2100.	360000.	640.	2100.	21000.	2100.
120	2400.	400000.	720.	2400.	24000.	2400.

I-D

Tier I and Tier II Feed Rate and Emissions Screening Limits for
Carcinogenic Metals for Facilities in Noncomplex Terrain

Values for use in urban areas

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

TESH (m)	Arsenic (g/hr)	Cadmium (g/hr)	Chromium (g/hr)	Beryllium (g/hr)
4	4.6E-0.16	1.1E+00	1.7E-0.17	8.2E-0.82
5	9.2	1.1E+00	9.2	9.2
6	5.4E-0.54	1.3E+00	1.9E-0.19	9.4E-0.94
8	9.2	1.3E+00	9.2	9.2
10	6.0E-0.60	1.4E+00	2.2E-0.22	1.1E+00
12	9.2	1.4E+00	9.2	1.1E+00
14	6.8E-0.68	1.6E+00	2.4E-0.24	1.2E+00
16	9.2	1.6E+00	9.2	1.2E+00
18	7.6E-0.76	1.8E+00	2.7E-0.27	1.4E+00
20	9.2	1.8E+00	9.2	1.4E+00
22	4.6E-0.31	2.1E+00	3.1E-0.31	1.5E+00
24	9.2	2.1E+00	9.2	1.5E+00
26	9.6E-0.96	2.3E+00	3.5E-0.35	1.7E+00
28	9.2	2.3E+00	9.2	1.7E+00
30	1.1E+00	2.6E+00	4.0E-0.40	2.0E+00
35	9.2	2.6E+00	9.2	2.0E+00
40	1.2E+00	3.0E+00	4.4E-0.44	2.2E+00
45	9.2	3.0E+00	9.2	2.2E+00
50	1.4E+00	3.4E+00	5.0E-0.50	2.5E+00
55	9.2	3.4E+00	9.2	2.5E+00
60	1.6E+00	3.9E+00	5.8E-0.58	2.8E+00
65	9.2	3.9E+00	9.2	2.8E+00
70	1.8E+00	4.3E+00	6.4E-0.64	3.2E+00
75	9.2	4.3E+00	9.2	3.2E+00
80	2.0E+00	4.8E+00	7.2E-0.72	3.6E+00
85	9.2	4.8E+00	9.2	3.6E+00
90	2.3E+00	5.4E+00	8.2E-0.82	4.0E+00
95	9.2	5.4E+00	9.2	4.0E+00
100	3.0E+00	6.8E+00	1.0E+00	5.4E+00
105	9.2	6.8E+00	9.2	5.4E+00
110	3.6E+00	9.0E+00	1.3E+00	6.8E+00
115	9.2	9.0E+00	9.2	6.8E+00
120	4.6E+00	1.1E+01	1.7E+00	8.6E+00
125	9.2	1.1E+01	9.2	8.6E+00
130	6.0E+00	1.4E+01	2.2E+00	1.1E+01
135	9.2	1.4E+01	9.2	1.1E+01
140	7.6E+00	1.8E+01	2.7E+00	1.4E+01
145	9.2	1.8E+01	9.2	1.4E+01
150	9.4E+00	2.2E+02	3.4E+00	1.7E+01
155	9.2	2.2E+02	9.2	1.7E+01
160	1.1E+01	2.8E+02	4.2E+00	2.1E+02
165	9.2	2.8E+02	9.2	2.1E+02
170	1.3E+01	3.1E+03	4.6E+00	2.4E+02
175	9.2	3.1E+03	9.2	2.4E+02
180	1.5E+01	3.6E+03	5.4E+00	2.7E+02
185	9.2	3.6E+03	9.2	2.7E+02

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

30	\pm <u>1.7E+017.</u>	\pm <u>4.0E+040.</u>	\pm <u>3.0E+030.</u>
85	\pm <u>1.9E+019.</u>	\pm <u>6.8E+046.</u>	\pm <u>3.4E+034.</u>
90	\pm <u>1.2E+022.</u>	\pm <u>5.0E+050.</u>	\pm <u>3.9E+039.</u>
95	\pm <u>1.5E+025.</u>	\pm <u>5.0E+059.</u>	\pm <u>4.4E+044.</u>
100	\pm <u>1.0E+028.</u>	\pm <u>5.0E+068.</u>	\pm <u>5.0E+050.</u>
105	\pm <u>1.3E+032.</u>	\pm <u>7.6E+076.</u>	\pm <u>5.6E+056.</u>
110	\pm <u>1.6E+036.</u>	\pm <u>4.6E+086.</u>	\pm <u>6.4E+064.</u>
115	\pm <u>1.9E+040.</u>	\pm <u>9.6E+096.</u>	\pm <u>7.2E+072.</u>
120	\pm <u>1.6E+046.</u>	\pm <u>1.1E+110.</u>	\pm <u>9.2E+082.</u>

I-D (con't.)

Values for use in rural areas

TPSH (m)	Arsenic (g/hr)	Cadmium (g/hr)	Chromium (g/hr)	Beryllium (g/hr)
4	\pm <u>2.4E-0.24</u>	\pm <u>5.0E-0.58</u>	\pm <u>8.0E0.086</u>	\pm <u>4.9E-0.43</u>
6	\pm <u>2.7E-0.28</u>	\pm <u>6.6E-0.66</u>	\pm <u>1.0E-0.10</u>	\pm <u>5.0E-0.50</u>
8	\pm <u>3.2E-0.32</u>	\pm <u>7.6E-0.76</u>	\pm <u>1.1E-0.11</u>	\pm <u>5.6E-0.56</u>
10	\pm <u>3.6E-0.36</u>	\pm <u>8.6E-0.86</u>	\pm <u>1.3E-0.13</u>	\pm <u>6.4E-0.64</u>
12	\pm <u>4.3E-0.43</u>	\pm <u>1.1E+00</u>	\pm <u>1.6E-0.16</u>	\pm <u>7.0E-0.78</u>
14	\pm <u>5.4E-0.54</u>	\pm <u>1.3E+00</u>	\pm <u>2.0E-0.20</u>	\pm <u>9.6E-0.96</u>
16	\pm <u>6.0E-0.68</u>	\pm <u>1.6E+00</u>	\pm <u>2.4E-0.24</u>	\pm <u>1.2E+00</u>
18	\pm <u>7.2E-0.82</u>	\pm <u>2.0E+00</u>	\pm <u>3.0E-0.30</u>	\pm <u>1.5E+00</u>
20	\pm <u>1.0E+00</u>	\pm <u>2.5E+00</u>	\pm <u>3.7E-0.37</u>	\pm <u>1.9E+00</u>
22	\pm <u>1.3E+00</u>	\pm <u>3.2E+00</u>	\pm <u>4.0E-0.48</u>	\pm <u>2.4E+00</u>
24	\pm <u>1.7E+00</u>	\pm <u>4.0E+00</u>	\pm <u>6.0E-0.60</u>	\pm <u>3.0E+00</u>

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

26	\pm <u>2.1E+00</u>	\pm <u>5.0E+00</u>	\pm <u>7.6E-0.76</u>	\pm <u>3.3E+00</u>
28	\pm <u>2.7E+00</u>	\pm <u>6.4E+00</u>	\pm <u>9.0E-0.98</u>	\pm <u>5.0E+00</u>
30	\pm <u>3.5E+00</u>	\pm <u>3.2E+00</u>	\pm <u>1.2E+00</u>	\pm <u>5.2E+00</u>
35	\pm <u>5.4E+00</u>	\pm <u>1.3E+00</u>	\pm <u>1.3E+00</u>	\pm <u>3.6E+00</u>
40	\pm <u>8.2E+00</u>	\pm <u>3.0E+00</u>	\pm <u>3.0E+00</u>	\pm <u>1.5E+015.</u>
45	\pm <u>1.1E+011.</u>	\pm <u>2.0E+028.</u>	\pm <u>4.2E+00</u>	\pm <u>1.2E+021.</u>
50	\pm <u>1.5E+015.</u>	\pm <u>3.7E+037.</u>	\pm <u>5.4E+00</u>	\pm <u>1.0E+028.</u>
55	\pm <u>2.0E+020.</u>	\pm <u>5.0E+050.</u>	\pm <u>7.2E+00</u>	\pm <u>1.0E+036.</u>
60	\pm <u>2.7E+027.</u>	\pm <u>5.4E+064.</u>	\pm <u>9.6E+00</u>	\pm <u>1.0E+048.</u>
65	\pm <u>3.6E+036.</u>	\pm <u>3.6E+086.</u>	\pm <u>1.3E+013.</u>	\pm <u>1.0E+064.</u>
70	\pm <u>4.3E+043.</u>	\pm <u>1.0E+100.</u>	\pm <u>1.5E+015.</u>	\pm <u>1.0E+076.</u>
75	\pm <u>5.0E+050.</u>	\pm <u>1.2E+120.</u>	\pm <u>1.8E+018.</u>	\pm <u>1.0E+090.</u>
80	\pm <u>6.0E+060.</u>	\pm <u>1.4E+140.</u>	\pm <u>2.2E+022.</u>	\pm <u>1.1E+110.</u>
85	\pm <u>7.2E+072.</u>	\pm <u>1.7E+170.</u>	\pm <u>2.6E+026.</u>	\pm <u>1.3E+130.</u>
90	\pm <u>9.6E+086.</u>	\pm <u>2.0E+200.</u>	\pm <u>3.0E+030.</u>	\pm <u>1.5E+150.</u>
95	\pm <u>1.0E+100.</u>	\pm <u>2.4E+240.</u>	\pm <u>3.6E+036.</u>	\pm <u>1.8E+180.</u>
100	\pm <u>1.2E+120.</u>	\pm <u>2.9E+290.</u>	\pm <u>4.3E+043.</u>	\pm <u>2.2E+220.</u>
105	\pm <u>1.4E+140.</u>	\pm <u>3.4E+340.</u>	\pm <u>5.0E+050.</u>	\pm <u>2.6E+260.</u>
110	\pm <u>1.7E+170.</u>	\pm <u>4.0E+400.</u>	\pm <u>6.0E+060.</u>	\pm <u>3.0E+300.</u>
115	\pm <u>2.0E+200.</u>	\pm <u>4.8E+480.</u>	\pm <u>7.2E+072.</u>	\pm <u>3.6E+360.</u>
120	\pm <u>2.4E+240.</u>	\pm <u>5.8E+580.</u>	\pm <u>8.6E+086.</u>	\pm <u>4.8E+430.</u>

I-E

Tier I and Tier II Feed Rate and Emissions Screening Limits for
Carcinogenic Metals for Facilities in Complex Terrain
Values for use in urban and rural areas

POLLUTION CONTROL BOARD

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

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WESH (m)	Arsenic (g/hr)	Cadmium (g/hr)	Chromium (g/hr)	Beryllium (g/hr)
4	1-1B-01	2-6B-01	4-0B-02	2-0B-01
6	1-6B-01	3-5B-01	5-0B-02	2-9B-01
9	2-4B-01	5-1B-01	9-6B-02	4-3B-01
10	3-5B-01	8-2B-01	1-3B-01	6-2B-01
12	4-3B-01	1-0B-00	1-5B-01	7-7B-01
14	5-0B-01	1-3B-00	1-9B-01	9-4B-01
16	6-0B-01	1-4B-00	2-2B-01	1-1B-00
19	6-9B-01	1-3B-00	2-4B-01	1-2B-00
20	7-6B-01	1-0B-00	2-7B-01	1-3B-00
22	8-2B-01	1-2B-00	3-0B-01	1-5B-00
24	9-0B-01	2-2B-00	3-3B-01	1-6B-00
26	1-0B-00	2-4B-00	3-6B-01	1-7B-00
28	1-1B-00	2-7B-00	4-1B-01	2-2B-00
30	1-2B-00	3-0B-00	5-1B-01	3-4B-00
35	1-5B-00	3-7B-00	5-4B-01	3-7B-00
40	1-9B-00	4-6B-00	7-0B-01	3-4B-00
45	2-4B-00	5-7B-00	7-0B-01	5-0B-00
50	2-9B-00	6-3B-00	7-3B-00	6-7B-00
55	4-3B-00	1-0B-00	7-5B-00	7-0B-00
60	5-4B-00	1-3B-01	1-9B-00	9-6B-00
70	6-0B-00	1-4B-01	2-2B-00	1-1B-01
75	6-0B-00	1-6B-01	2-4B-00	1-2B-01
80	7-6B-00	1-0B-01	2-7B-00	1-3B-01
85	8-2B-00	2-2B-01	3-0B-00	1-7B-01
90	9-0B-01	2-2B-01	4-0B-00	1-9B-01
95	1-2B-01	2-0B-01	4-3B-00	2-1B-01
100	1-3B-01	3-2B-01	4-3B-00	2-1B-01
105	1-5B-01	3-5B-01	5-4B-00	2-7B-01
110	1-7B-01	4-0B-01	6-0B-00	3-0B-01
115	1-9B-01	4-7B-01	6-7B-00	3-3B-01
120				

22	0.82	1.2	0.30	1.5
24	0.90	2.1	0.13	1.6
26	1.0	2.4	0.36	1.9
28	1.1	2.7	0.10	2.0
30	1.2	3.0	0.14	2.2
35	1.5	3.7	0.54	2.7
40	1.9	4.6	0.68	3.1
45	2.4	5.1	0.84	4.2
50	2.9	6.8	1.0	5.0
55	3.5	8.4	1.3	6.4
60	4.3	10.	1.5	7.8
65	5.4	13.	1.9	9.6
70	6.0	14.	2.2	11.
75	6.8	16.	2.4	12.
80	7.6	18.	2.7	13.
85	9.2	20.	3.0	15.
90	2.4	23.	3.1	17.
95	1.0.	25.	4.0	19.
100	1.2.	28.	4.3	21.
105	1.3.	32.	4.8	24.
110	1.5.	35.	5.1	27.
115	1.7.	40.	6.0	30.
120	1.9.	44.	6.4	33.

(Source: Amended
JUN 27 1995)

19

Ill.

Reg.

10061, effective

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Section 726. APPENDIX B Tier I Feed Rate Screening Limits for total Chlorine

Tier I Feed Rate Screening Limits for Total Chlorine

TESH (m)	Noncomplex Urban (g/hr)	Noncomplex Rural (g/hr)	Complex Terrain (g/hr)
4	9-2B+01 82.	4-2B+01 42.	1-9B+01 19.
6	9-1B+01 91.	4-0B+01 48.	2-0B+01 28.
8	1-9B+02 100.	5-3B+01 53.	4-1B+01 41.
10	1-2B+02 120.	6-2B+01 62.	5-0B+01 58.
12	1-3B+02 130.	7-7B+01 77.	7-2B+01 72.
14	1-5B+02 150.	9-1B+01 91.	9-1B+01 91.
16	1-7B+02 170.	1-2B+02 120.	1-1B+02 110.
18	1-9B+02 190.	1-4B+02 140.	1-2B+02 120.
20	2-1B+02 210.	1-0B+02 180.	1-3B+02 130.
22	2-4B+02 240.	2-3B+02 230.	1-4B+02 140.
24	2-7B+02 270.	3-9B+02 290.	1-5B+02 160.
26	3-1B+02 310.	3-7B+02 370.	1-7B+02 170.
28	3-5B+02 350.	4-7B+02 470.	1-9B+02 190.
30	3-9B+02 390.	5-0B+02 580.	2-1B+02 210.
35	5-3B+02 530.	9-6B+02 960.	2-5B+02 260.
40	6-2B+02 620.	1-4B+03 1400.	3-3B+02 330.
45	9-2B+02 820.	2-0B+03 2000.	4-0B+02 400.
50	1-1B+03 1100.	2-6B+03 2600.	4-0B+02 480.
55	1-3B+03 1300.	3-5B+03 3500.	6-2B+02 620.
60	1-6B+03 1600.	4-6B+03 4600.	7-7B+02 770.
65	2-0B+03 2000.	6-2B+03 6200.	9-1B+02 910.
70	2-3B+03 2300.	7-2B+03 7200.	1-1B+03 1100.
75	2-5B+03 2500.	8-6B+03 8600.	1-3B+03 1200.
80	2-9B+03 2900.	1-0B+04 10000.	1-3B+03 1300.
85	3-3B+03 3300.	1-4B+04 14000.	1-4B+03 1400.
90	3-7B+03 3700.	1-7B+04 17000.	1-4B+03 1600.
95	4-2B+03 4200.	2-1B+04 21000.	1-8B+03 1800.
100	4-0B+03 4800.	2-4B+04 24000.	2-0B+03 2000.
105	5-3B+03 5300.	3-9B+04 39000.	2-3B+03 2300.
110	6-2B+03 6200.	7-2B+04 72000.	2-5B+03 2500.
115	7-2B+03 7200.	3-5B+04 35000.	2-0B+03 2800.
120	8-2B+03 8200.	4-1B+04 41000.	3-2B+03 3200.

(Source: JUNE 27, 1995 at 19 Ill. Reg. effective 10006)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Section 726. APPENDIX C Tier II Emission Rate Screening Limits for Free Chlorine and Hydrogen Chloride

TESH (m)	Noncomplex Urban Chlorine Gas	Noncomplex Urban Chlorine Gas	Noncomplex Rural Chlorine Gas	Noncomplex Rural Chlorine Gas	Complex Terrain Urban and Rural areas Chlorine Gas	Complex Terrain Urban and Rural areas Chlorine Gas
4	9-2B+01 42.	4-2B+01 19.	1-9B+01 19.	1-9B+01 19.	1-9B+01 19.	1-9B+01 19.
6	9-1B+01 48.	4-0B+01 28.	2-0B+01 28.	2-0B+01 28.	2-0B+01 28.	2-0B+01 28.
8	1-9B+02 100.	5-3B+01 53.	4-1B+01 41.	4-1B+01 41.	4-1B+01 41.	4-1B+01 41.
10	1-2B+02 120.	6-2B+01 62.	5-0B+01 58.	5-0B+01 58.	5-0B+01 58.	5-0B+01 58.
12	1-3B+02 130.	7-7B+01 77.	7-2B+01 72.	7-2B+01 72.	7-2B+01 72.	7-2B+01 72.
14	1-5B+02 150.	9-1B+01 91.	9-1B+01 91.	9-1B+01 91.	9-1B+01 91.	9-1B+01 91.
16	1-7B+02 170.	1-2B+02 120.	1-1B+02 110.	1-1B+02 110.	1-1B+02 110.	1-1B+02 110.
18	1-9B+02 190.	1-4B+02 140.	1-2B+02 120.	1-2B+02 120.	1-2B+02 120.	1-2B+02 120.
20	2-1B+02 210.	1-0B+02 180.	1-3B+02 130.	1-3B+02 130.	1-3B+02 130.	1-3B+02 130.
22	2-4B+02 240.	2-3B+02 230.	1-4B+02 140.	1-4B+02 140.	1-4B+02 140.	1-4B+02 140.
24	2-7B+02 270.	3-9B+02 290.	1-5B+02 160.	1-5B+02 160.	1-5B+02 160.	1-5B+02 160.
26	3-1B+02 310.	3-7B+02 370.	1-7B+02 170.	1-7B+02 170.	1-7B+02 170.	1-7B+02 170.
28	3-5B+02 350.	4-7B+02 470.	1-9B+02 190.	1-9B+02 190.	1-9B+02 190.	1-9B+02 190.
30	3-9B+02 390.	5-0B+02 580.	2-1B+02 210.	2-1B+02 210.	2-1B+02 210.	2-1B+02 210.
35	5-3B+02 530.	9-6B+02 960.	2-5B+02 260.	2-5B+02 260.	2-5B+02 260.	2-5B+02 260.
40	6-2B+02 620.	1-4B+03 1400.	3-3B+02 330.	3-3B+02 330.	3-3B+02 330.	3-3B+02 330.
45	9-2B+02 820.	2-0B+03 2000.	4-0B+02 400.	4-0B+02 400.	4-0B+02 400.	4-0B+02 400.
50	1-1B+03 1100.	2-6B+03 2600.	4-0B+02 480.	4-0B+02 480.	4-0B+02 480.	4-0B+02 480.
55	1-3B+03 1300.	3-5B+03 3500.	6-2B+02 620.	6-2B+02 620.	6-2B+02 620.	6-2B+02 620.
60	1-6B+03 1600.	4-6B+03 4600.	7-7B+02 770.	7-7B+02 770.	7-7B+02 770.	7-7B+02 770.
65	2-0B+03 2000.	6-2B+03 6200.	9-1B+02 910.	9-1B+02 910.	9-1B+02 910.	9-1B+02 910.
70	2-3B+03 2300.	7-2B+03 7200.	1-1B+03 1100.	1-1B+03 1100.	1-1B+03 1100.	1-1B+03 1100.
75	2-5B+03 2500.	8-6B+03 8600.	1-3B+03 1200.	1-3B+03 1200.	1-3B+03 1200.	1-3B+03 1200.
80	2-9B+03 2900.	1-0B+04 10000.	1-3B+03 1300.	1-3B+03 1300.	1-3B+03 1300.	1-3B+03 1300.
85	3-3B+03 3300.	1-4B+04 14000.	1-4B+03 1400.	1-4B+03 1400.	1-4B+03 1400.	1-4B+03 1400.
90	3-7B+03 3700.	1-7B+04 17000.	1-4B+03 1600.	1-4B+03 1600.	1-4B+03 1600.	1-4B+03 1600.
95	4-2B+03 4200.	2-1B+04 21000.	1-8B+03 1800.	1-8B+03 1800.	1-8B+03 1800.	1-8B+03 1800.
100	4-0B+03 4800.	2-4B+04 24000.	2-0B+03 2000.	2-0B+03 2000.	2-0B+03 2000.	2-0B+03 2000.
105	5-3B+03 5300.	3-9B+04 39000.	2-3B+03 2300.	2-3B+03 2300.	2-3B+03 2300.	2-3B+03 2300.
110	6-2B+03 6200.	7-2B+04 72000.	2-5B+03 2500.	2-5B+03 2500.	2-5B+03 2500.	2-5B+03 2500.
115	7-2B+03 7200.	3-5B+04 35000.	2-0B+03 2800.	2-0B+03 2800.	2-0B+03 2800.	2-0B+03 2800.
120	8-2B+03 8200.	4-1B+04 41000.	3-2B+03 3200.	3-2B+03 3200.	3-2B+03 3200.	3-2B+03 3200.

Noncomplex Terrain
Urban areas
Chlorine
Gas
HCl

Noncomplex Terrain
Rural areas
Chlorine
Gas
HCl

Complex Terrain
Urban and rural areas
Chlorine
Gas
HCl

Public Library

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(m)	(g/hr)	(g/hr)	(g/hr)	(g/hr)	(g/hr)
4	82.	1400.	42.	730.	330.
5	31.	600.	48.	830.	490.
6	100.	1800.	53.	920.	710.
10	120.	2000.	62.	1100.	1000.
12	130.	2300.	77.	1300.	1300.
14	150.	2600.	91.	1600.	1600.
16	170.	2900.	120.	2000.	1800.
18	190.	3300.	140.	2500.	2000.
20	210.	3700.	180.	3100.	2300.
22	240.	4200.	230.	3900.	2400.
24	270.	4800.	290.	5000.	2800.
26	310.	5400.	370.	6500.	3000.
28	350.	6000.	470.	8100.	3400.
30	390.	6900.	580.	10000.	3700.
32	430.	7800.	700.	12000.	4000.
34	470.	8700.	830.	14000.	4400.
36	510.	9600.	970.	16000.	4800.
38	550.	10500.	1100.	18000.	5200.
40	590.	11400.	1250.	20000.	5600.
42	630.	12300.	1400.	22000.	6000.
44	670.	13200.	1550.	24000.	6400.
46	710.	14100.	1700.	26000.	6800.
48	750.	15000.	1850.	28000.	7200.
50	790.	15900.	2000.	30000.	7600.
52	830.	16800.	2150.	32000.	8000.
54	870.	17700.	2300.	34000.	8400.
56	910.	18600.	2450.	36000.	8800.
58	950.	19500.	2600.	38000.	9200.
60	990.	20400.	2750.	40000.	9600.
62	1030.	21300.	2900.	42000.	10000.
64	1070.	22200.	3050.	44000.	10400.
66	1110.	23100.	3200.	46000.	10800.
68	1150.	24000.	3350.	48000.	11200.
70	1190.	24900.	3500.	50000.	11600.
72	1230.	25800.	3650.	52000.	12000.
74	1270.	26700.	3800.	54000.	12400.
76	1310.	27600.	3950.	56000.	12800.
78	1350.	28500.	4100.	58000.	13200.
80	1390.	29400.	4250.	60000.	13600.
82	1430.	30300.	4400.	62000.	14000.
84	1470.	31200.	4550.	64000.	14400.
86	1510.	32100.	4700.	66000.	14800.
88	1550.	33000.	4850.	68000.	15200.
90	1590.	33900.	5000.	70000.	15600.
92	1630.	34800.	5150.	72000.	16000.
94	1670.	35700.	5300.	74000.	16400.
96	1710.	36600.	5450.	76000.	16800.
98	1750.	37500.	5600.	78000.	17200.
100	1790.	38400.	5750.	80000.	17600.
102	1830.	39300.	5900.	82000.	18000.
104	1870.	40200.	6050.	84000.	18400.
106	1910.	41100.	6200.	86000.	18800.
108	1950.	42000.	6350.	88000.	19200.
110	1990.	42900.	6500.	90000.	19600.
112	2030.	43800.	6650.	92000.	20000.
114	2070.	44700.	6800.	94000.	20400.
116	2110.	45600.	6950.	96000.	20800.
118	2150.	46500.	7100.	98000.	21200.
120	2190.	47400.	7250.	100000.	21600.

(Source: June 27, 1995 at 19 Ill. Reg. effective)

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Section 726. APPENDIX E Risk Specific Doses

BOARD NOTE: These are risk specific doses (RSDs) based on a risk of 1 in 10,000(1x10⁻⁵).

Constituent	CAS No.	Unit risk (cu m(3)/ug)	RSD (ug/cu-m(3))
Acrylamide	79-06-1	0.0013 1-3E-03	0.0077 7-7E-03
Acrylonitrile	107-13-1	0.000068 6-0E-05	0.15 1-5E-01
Aldrin	309-00-2	0.0049 4-9E-03	0.0020 2-0E-03
Aniline	62-53-3	0.0000074 7-4E-06	1.4 1-4E+00
Arsenic	7440-38-2	0.0043 4-3E-03	0.0023 2-3E-03
Benz(a)anthracene	56-55-3	0.00089 8-9E-04	0.011 1-1E-02
Benzene	71-43-2	0.0000083 8-3E-06	1.2 E+00
Benzidine	92-87-5	0.067 6-7E-02	0.00015 1-5E-04
Benzo(a)pyrene	50-32-8	0.0033 3-3E-03	0.0030 3-0E-03
Beryllium	7440-41-7	0.0024 2-4E-03	0.0042 4-2E-03
Bis(2-chloroethyl)ether	111-44-4	0.00033 3-3E-04	0.030 3-0E-02
Bis(chloromethyl)ether	542-88-1	0.062 6-2E-02	0.00016 1-6E-04
Bis(2-ethylhexyl)- phthalate	117-81-7	0.00000242 2-4E-07	42. 4-2E+01
1,3-Butadiene	106-99-0	0.00028 2-8E-04	0.036 3-6E-02
Cadmium	7440-43-9	0.0018 1-8E-03	0.0056 5-6E-03
Carbon Tetrachloride	56-23-5	0.000015 1-5E-05	0.67 6-7E-01
Chlordane	57-74-9	0.00037 3-7E-04	0.027 2-7E-02
Chloroform	67-66-3	0.000023 2-3E-05	0.43 4-3E-01
Chloromethane	74-87-3	0.0000036 3-6E-06	2.8E+00
Chromium VI	7440-47-3	0.012 1-2E-02	0.00083 8-3E-04
DDT	50-29-3	0.00097 9-7E-05	0.10 1-0E-01
Dibenz(a,h)anthracene	53-70-3	0.014 1-4E-02	0.00071 7-1E-04
1,2-Dibromo-3-chloro- propane	96-12-8	0.0063 6-3E-03	0.0016 1-6E-03
1,2-Dibromomethane	106-93-4	0.00022 2-2E-04	0.045 4-5E-02
1,1-Dichloroethane	75-34-3	0.000026 2-6E-05	0.38 3-8E-01
1,2-Dichloroethane	107-06-2	0.000026 2-6E-05	0.38 3-8E-01
1,1-Dichloroethylene	75-35-4	0.00005 5-0E-05	0.20 2-0E-01
1,3-Dichloropropene	542-75-6	0.35 3-5E-01	0.000029 2-9E-05
Dieldrin	60-57-1	0.0046 4-6E-03	0.0022 2-2E-03
Diethylstilbestrol	56-53-1	0.14 1-4E-01	0.000071 7-1E-05
Dimethylnitrosamine	62-75-9	0.014 1-4E-02	0.00071 7-1E-04
2,4-Dinitrotoluene	121-14-2	0.000088 8-8E-05	0.11 1-1E-01
1,2-Diphenylhydrazine	122-66-7	0.00022 2-2E-04	0.045 4-5E-02
1,4-Dioxane	123-91-1	0.000014 1-4E-06	7.1 E+00
Epichlorohydrin	106-89-8	0.0000012 1-2E-06	8.3 E+00
Ethylene Oxide	75-21-8	0.00010 1-0E-04	0.10 1-0E-01
Ethylene Dibromide	106-93-4	0.00022 2-2E-04	0.045 4-5E-02
Formaldehyde	50-00-0	0.000013 1-3E-05	0.77 7-7E-01

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Heptachlor	76-44-8	0.0013 1-3B-03	0.0077 7-7B-03
Heptachlor Epoxide	1024-57-3	0.0026 2-6B-03	0.0038 3-8B-03
Hexachlorobenzene	118-74-1	0.00049 4-9B-04	0.020 2-0B-02
Hexachlorocyclopentadiene	37-68-3	0.000020 2-0B-05	0.50 5-0B-01
Alpha-hexachlorocyclohexane	319-84-6	0.0018 1-8B-03	0.0056 5-6B-03
Beta-hexachlorocyclohexane	319-85-7	0.00053 5-3B-04	0.019 1-9B-02
Gamma-hexachlorocyclohexane	58-89-9	0.00038 3-8B-04	0.026 2-6B-02
Hexachlorocyclohexane, Technical		0.00051 5-1B-04	0.020 2-0B-02
Hexachlorodibenzop-dioxin(1,2 Mixture)		1.3 B+0	0.0000077 7-7B-06
Hexachlorocetane	67-72-1	0.0000040 4-0B-06	2.5 B+00
Hydrazine	302-01-2	0.0029 2-9B-03	0.0034 3-4B-03
Hydrazine Sulfate	302-01-2	0.0029 2-9B-03	0.0034 3-4B-03
1-Methylcholanthrene	56-49-5	0.0027 2-7B-03	0.0037 3-7B-03
Methyl Hydrazine	30-34-4	0.00031 3-1B-04	0.0032 3-2B-02
Methylene Chloride	75-29-2	0.0000041 4-1B-06	2.4 B+00
4,4'-Methylene-bis-2-chloroaniline	101-14-4	0.0000047 4-7B-05	0.21 2-1B-01
Nickel	7440-02-0	0.00024 2-4B-04	0.042 4-2B-02
Nickel Refinery Dust	7440-02-0	0.00024 2-4B-04	0.042 4-2B-02
Nickel Sulfide	12035-72-2	0.00048 4-8B-04	0.021 2-1B-02
2-Nitropropane	79-46-9	0.027 2-7B-02	0.00037 3-7B-04
N-Nitroso-n-butylamine	924-16-3	0.0016 1-6B-03	0.0063 6-3B-03
N-Nitroso-n-methylurea	684-93-5	0.086 0-6B-02	0.00012 1-2B-04
N-Nitrosodiethylamine	55-18-5	0.043 4-3B-02	0.00023 2-3B-04
N-Nitrosopyrrolidine	930-55-2	0.00061 6-1B-04	0.016 1-6B-02
Pentachloronitrobenzene	82-68-8	0.000073 7-3B-05	0.14 1-4B-01
PCBs	1336-36-3	0.0012 1-2B-03	0.0083 0-3B-03
Pronamide	23950-58-5	0.0000046 4-6B-06	2.2 B+00
Reserpine	50-55-5	0.0030 3-0B-03	0.0033 3-3B-03
2,3,7,8-Tetrachlorodibenzo-p-dioxin	1746-01-6	15. 4-5B+01	0.00000022 2-2B-07
2,1,2,2-Tetrachloroethane	79-34-5	0.000058 5-0B-05	0.17 1-7B-01
Tetrachloroethylene	27-18-4	0.00000048, 4-0B-07u21. 2-1B+01	
Thiourea	62-56-6	0.00055 5-5B-04	0.018 1-0B-02
1,1,2-Trichloroethane	79-00-5	0.000016 1-6B-05	0.63 6-3B-01
Trichloroethylene	79-01-6	0.0000013 1-3B-06	7.7 B+00
2,4,6-Trichlorophenol	88-06-2	0.0000057 5-7B-06	1.8 B+00
Toxaphene	8001-35-2	0.00032 3-2B-04	0.031 3-1B-02
Vinyl Chloride	75-01-4	0.0000071 7-1B-06	1.4 B+00

(Source: JUNE 27 1995 at 19 Ill. Reg. 10.0.0.6, effective)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Section 726. APPENDIX M Mercury-Bearing Wastes That May Be Processed in Exempt Mercury Recovery Units

The following materials are exempt mercury-bearing materials containing less than 500 ppm of 35 Ill. Adm. Code 721. Appendix H organic constituents, when generated by manufacturers or users of mercury or mercury products:

- Activated carbon
- Decomposer graphite
- Wood
- Paper
- Protective clothing
- Sweepings
- Respiratory cartridge filters
- Cleanup articles
- Plastic bags and other contaminated containers
- Laboratory and process control samples
- X106 and other wastewater treatment plan sludge and filter cake
- Mercury cell sump and tank sludge
- Mercury cell process solids
- Recoverable levels of mercury contained in soil

(Source: Added at 19 Ill. Reg. 10.0.0.6, effective JUN 27 1995)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Standards for the Management of Used Oil2) Code citation: 35 Ill. Adm. Code 7393) Section numbers: Adopted action:

739.110 Amended

4) Statutory authority: 415 ILCS 5/13(c), 22.4 and 27.5) Effective date of amendments: June 27, 19956) Does this rulemaking contain an automatic repeal date? No7) Do these amendments contain incorporations by reference?

Yes. 35 Ill. Adm. Code 720.111 is the centralized listing of all documents incorporated by reference for the purposes of the Illinois UIC and RCRA Subtitle C programs (35 Ill. Adm. Code 702 through 705, 720 through 726, 728, 730, 738 & 739). The present amendments include revisions to the references in that Section. Most of the amendments involve updates to analytical methods.

8) Date filed in Board's principal office: Opinion and order adopted June 1, 1995 and supplemental opinion and order adopted June 15, 1995.

9) Notice of proposal published in Illinois Register:

March 24, 1995, 19 Ill. Reg. 4298

10) Has JCAR issued a Statement of Objections to these rules? No.

Sections 13(c) and 22.4(a) of the Environmental Protection Act (415 ILCS 5/13(c) & 22.4(a)) provide that Section 5 of the Administrative Procedure Act (5 ILCS 100/5-35 and 5-40) shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR. However, JCAR staff has reviewed the text of the amendments and recommended several minor revisions, as indicated in the table under question 11.

11) Differences between proposal and final version:

The Board has made many revisions to the text of the amendments, most of which were in response to public comments. The revisions are tabulated in summary fashion below. The source of the revisions to each segment of the amendments is indicated by the notations, where (A) denotes the Illinois EPA (Agency), (B) denotes the Board, (C) denotes a commentator, (J) denotes JCAR, (S) denotes the Secretary of State, and (U) denotes U.S. EPA.

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Section(Source) Board Action

739. Authority Note(J) Correct ILCS format

739. Source Note(S) Add reference to R95-6

12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreement letter issued by JCAR?

Sections 13(c) and 22.4(a) of the Environmental Protection Act provide that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

13) Will these amendments replace emergency amendments currently in effect? No

14) Are there any other amendments pending on this Part? No

15) Summary and purpose of amendments:

A more detailed description is contained in the Board's opinion and order of June 1, 1995 and supplemental opinion and order of June 15, 1995 in R95-4/R95-6, which opinion and order and supplemental opinion and order are available from the address below. Sections 13(c) and 22.4 of the Environmental Protection Act provide that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by JCAR.

This rulemaking updates the Board's RCRA Subtitle C and UIC rules to correspond with amendments adopted by U.S. EPA that appeared in the Federal Register during the period July 1 through December 31, 1994 and January 3 and May 19, 1995. The USEPA actions during this period were as follows:

Federal Action

Summary

59 Fed. Reg. 38536,
July 28, 1994

Exclusion from definition of solid waste for certain in-process recycled secondary materials used by the petroleum refining industry

59 Fed. Reg. 43496,
August 24, 1994

Withdrawal of exemption from Subtitle C regulation of slag residues from high temperature metal recovery (HTMR) of

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electric arc furnace dust (K061), steel finishing pickle liquor (K062), and electroplating sludges (F006) that are used in a manner constituting disposal

59 Fed. Reg. 47980,
September 19, 1994

Restoration of text from 40 CFR 268.7(a) inadvertently omitted in the amendments of August 31, 1993, at 58 Fed. Reg. 46040

59 Fed. Reg. 47982,
September 19, 1994

Phase II land disposal restrictions (LDRs): universal treatment standards for organic toxicity wastes and newly-listed wastes (including underground injection control (UIC) amendments)

59 Fed. Reg. 62896,
December 6, 1994

Organic material air emission standards for tanks, surface impoundments, and containers (Subpart CC rules)

In addition to these principal amendments that occurred during the update period, the Board included two additional, later actions:

60 Fed. Reg. 242,
January 3, 1995

Corrections to the Phase II land disposal restrictions (universal treatment standards)

60 Fed. Reg. 26828, May
19, 1995

Delayed effective date for Subpart CC rules

The January 3 action was an amendment of the September 19, 1994 Phase II LDRs (universal waste rule). U.S. EPA corrected errors and clarified language in the universal treatment standards. The Board did not delay in adding these amendments for three reasons:

- 1) The January 3, 1995 amendments were corrections and clarifications of the September 19, 1994 regulations, and not new substantive amendments;
- 2) Prompt action on the January 3, 1995 amendments will facilitate implementation of the Phase II LDRs; and
- 3) The Board received a request from the regulated community that we add the January 3, 1995 amendments to those of September 19, 1994. (See "Expedited Consideration" below.)

The Board also notes that the January 3 amendments occurred within six months of the earliest amendments included in this docket, even if they

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occurred outside the nominal time-frame of the docket. We included the May 19 amendments because they solely directly affect the effective date of principal amendments within this docket.

Specifically, the amendments to Part 739 correct a single cross reference to 35 Ill. Adm. Code 721.103(e)(1) that appears in subsection (e)(1)(B), since the Board has relocated that provision in the broader rulemaking of which the amendments to Part 739 are a segment.

16) Information and questions regarding these adopted amendments shall be directed to:

Michael J. McCambridge
Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60610
312-814-6924

Request copies of the Board's opinion and order of June 1, 1995 and supplemental opinion and order of June 15, 1995 from Victoria Aggeman, at 312-814-3620.

The full text of the adopted amendments begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER C: SPECIFIC HAZARDOUS WASTE MANAGEMENT STANDARDS

PART 739

STANDARDS FOR THE MANAGEMENT OF USED OIL

SUBPART A: DEFINITIONS

Section
739.100

Definitions

SUBPART B: APPLICABILITY

Section
739.110
739.111
739.112

Applicability
Used oil specifications
Prohibitions

SUBPART C: STANDARDS FOR USED OIL GENERATORS

Section
739.120
739.121
739.122
739.123
739.124

Applicability
Hazardous waste mixing
Used oil storage
On-site burning in space heaters
Off-site shipments

SUBPART D: STANDARDS FOR USED OIL COLLECTION CENTERS AND AGGREGATION POINTS

Section
739.130
739.131
739.132

Do-it-yourselfer used oil collection centers
Used oil collection centers
Used oil aggregate points owned by the generator

SUBPART E: STANDARDS FOR USED OIL TRANSPORTER AND TRANSFER FACILITIES

Section
739.140
739.141
739.142
739.143
739.144
739.145

Applicability
Restrictions on transporters who are not also processors
Notification
Used oil transportation
Rebuttable presumption for used oil
Used oil storage at transfer facilities

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739.146 Tracking
739.147 Management of residues

SUBPART F: STANDARDS FOR USED OIL PROCESSORS

Section
739.150 Applicability
739.151 Notification
739.152 General facility standards
739.153 Rebuttable presumption for used oil
739.154 Used oil management
739.155 Analysis plan
739.156 Tracking
739.157 Operating record and reporting
739.158 Off-site shipments of used oil
739.159 Management of residues

SUBPART G: STANDARDS FOR USED OIL BURNERS WHO BURN OFF-SPECIFICATION USED OIL FOR ENERGY RECOVERY

Section
739.160 Applicability
739.161 Restriction on burning
739.162 Notification
739.163 Rebuttable presumption for used oil
739.164 Used oil storage
739.165 Tracking
739.166 Notices
739.167 Management of residues

SUBPART H: STANDARDS FOR USED OIL FUEL MARKETERS

Section
739.170 Applicability
739.171 Prohibitions
739.172 On-specification used oil fuel
739.173 Notification
739.174 Tracking
739.175 Notices

SUBPART I: STANDARDS FOR USE AS A DUST SUPPRESSANT DISPOSAL OF USED OIL

Section
739.180 Applicability
739.181 Disposal
739.182 Use as a dust suppressant

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the

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Environmental Protection Act [415 ILCS 5/22.4 and 27].

SOURCE: Adopted in R93-4 at 17 Ill. Reg. 20954, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6931, effective April 26, 1994; amended in R94-17 at 18 Ill. Reg. 47616, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 22436, effective JUN 27 1995.

SUBPART B: APPLICABILITY

Section 739.110 Applicability

This Section identifies those materials which are subject to regulation as used oil under this Part. This Section also identifies some materials that are not subject to regulation as used oil under this Part, and indicates whether these materials may be subject to regulation as hazardous waste under Parts 702, 703, 720 through 726, and 728.

- a) Used oil. U.S. EPA presumes that used oil is to be recycled unless a used oil handler disposes of used oil, or sends used oil for disposal. Except as provided in Section 739.111, the regulations of this Part apply to used oil, and to materials identified in this Section as being subject to regulation as used oil, whether or not the used oil or material exhibits any characteristics of hazardous waste identified in 35 Ill. Adm. Code 721.Subpart C.
- b) Mixtures of used oil and hazardous waste.
 - 1) Listed hazardous waste.
 - A) A mixture of used oil and hazardous waste that is listed in 35 Ill. Adm. Code 721.Subpart D is subject to regulation as hazardous waste under 35 Ill. Adm. Code 703, 720 through 726, and 728, rather than as used oil under this Part.
 - B) Rebuttable presumption for used oil. Used oil containing more than 1,000 ppm total halogens is presumed to be a hazardous waste because it has been mixed with halogenated hazardous waste listed in 35 Ill. Adm. Code 721.Subpart D. Persons may rebut this presumption by demonstrating that the used oil does not contain hazardous waste (for example, by using an analytical method from SW-846, Edition II, to show that the used oil does not contain significant concentrations of halogenated hazardous constituents listed in 35 Ill. Adm. Code 721.Appendix H). U.S. EPA Publication SW-846, Third Edition, is available from the Government Printing Office, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250-7954, (202) 783-3238 (document number 955-001-00000-1).
 - i) The rebuttable presumption does not apply to metalworking oils or fluids containing chlorinated paraffins, if they are processed, through a tolling arrangement as described in Section 739.124(c), to reclaim metalworking oils or fluids. The presumption

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does apply to metalworking oils or fluids if such oils or fluids are recycled in any other manner, or disposed.

- ii) The rebuttable presumption does not apply to used oils contaminated with chlorofluorocarbons (CFCs) removed from refrigeration units where the CFCs are destined for reclamation. The rebuttable presumption does apply to used oils contaminated with CFCs that have been mixed with used oil from sources other than refrigeration units.
- 2) Characteristic hazardous waste. A mixture of used oil and hazardous waste that exhibits a hazardous waste characteristic identified in 35 Ill. Adm. Code 721.Subpart C and a mixture of used oil and hazardous waste that is listed in Subpart D of this Part solely because it exhibits one or more of the characteristics of hazardous waste identified in 35 Ill. Adm. Code 721.Subpart C is subject to:
 - A) Except as provided in subsection (b)(2)(C) of this Section, regulation as hazardous waste under 35 Ill. Adm. Code 703, 720 through 726, and 728 rather than as used oil under this Part, if the resultant mixture exhibits any characteristics of hazardous waste identified in 35 Ill. Adm. Code 721.Subpart C; or
 - B) Except as provided in subsection (b)(2)(C) of this Section, regulation as used oil under this Part, if the resultant mixture does not exhibit any characteristics of hazardous waste identified under 35 Ill. Adm. Code 721.Subpart C.
 - C) Regulation as used oil under this Part, if the mixture is of used oil and a waste which is hazardous solely because it exhibits the characteristic of ignitability (e.g., ignitable-only mineral spirits), provided that the resultant mixture does not exhibit the characteristic of ignitability under 35 Ill. Adm. Code 721.121.
- 3) Conditionally exempt small quantity generator hazardous waste. A mixture of used oil and conditionally exempt small quantity generator hazardous waste regulated under 35 Ill. Adm. Code 721.105 is subject to regulation as used oil under this Part.
 - c) Materials containing or otherwise contaminated with used oil.
 - 1) Except as provided in subsection (c)(2) of this Section, a material containing or otherwise contaminated with used oil from which the used oil has been properly drained or removed to the extent possible such that no visible signs of free-flowing oil remain in or on the material:
 - A) Is not used oil, and thus, it is not subject to this Part, and
 - B) If applicable, is subject to the hazardous waste regulations of 35 Ill. Adm. Code 703, 705, 720 through 726, and 728.
 - 2) A material containing or otherwise contaminated with used oil

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that is burned for energy recovery is subject to regulation as used oil under this Part.

- 3) Used oil drained or removed from materials containing or otherwise contaminated with used oil is subject to regulation as used oil under this Part.

d) Mixtures of used oil with products.

- 1) Except as provided in subsection (d)(2) below, mixtures of used oil and fuels or other fuel products are subject to regulation as used oil under this Part.

- 2) Mixtures of used oil and diesel fuel mixed on-site by the generator of the used oil for use in the generator's own vehicles are not subject to this Part once the used oil and diesel fuel have been mixed. Prior to mixing, the used oil is subject to the requirements of Subpart C of this Part.

e) Materials derived from used oil.

- 1) Materials that are reclaimed from used oil that are used beneficially and are not burned for energy recovery or used in a manner constituting disposal (e.g., re-refined lubricants) are:

- A) Not used oil and thus are not subject to this Part, and
- B) Not solid wastes and are thus not subject to the hazardous waste regulations of Parts 35 Ill. Adm. Code 703, 720 through 726, and 728 as provided in 35 Ill. Adm. Code 721.103+ett2+At(e)(1).

- 2) Materials produced from used oil that are burned for energy recovery (e.g., used oil fuels) are subject to regulation as used oil under this Part.

- 3) Except as provided in subsection (e)(4) below, materials derived from used oil that are disposed of or used in a manner constituting disposal are:

- A) Not used oil and thus are not subject to this Part, and
- B) Are solid wastes and thus are subject to the hazardous waste regulations of 35 Ill. Adm. Code 703, 720 through 726, and 728 if the materials are listed or identified as hazardous waste.

- 4) Used oil re-refining distillation bottoms that are used as feedstock to manufacture asphalt products are not subject to this Part.

- f) Wastewater. Wastewater, the discharge of which is subject to regulation under either Section 402 or Section 307(b) of the Clean Water Act (including wastewaters at facilities which have eliminated the discharge of wastewater), contaminated with de minimis quantities of used oil are not subject to the requirements of this Part. For purposes of this subsection, "de minimis" quantities of used oils are defined as small spills, leaks, or drippings from pumps, machinery, pipes, and other similar equipment during normal operations or small amounts of oil lost to the wastewater treatment system during washing or draining operations. This exception will not apply if the used oil is discarded as a result of abnormal manufacturing operations

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resulting in substantial leaks, spills, or other releases, or to used oil recovered from wastewaters.

- g) Used oil introduced into crude oil pipelines or a petroleum refining facility.

- 1) Used oil mixed with crude oil or natural gas liquids (e.g., in a production separator or crude oil stock tank) for insertion into a crude oil pipeline is exempt from the requirements of this Part. The used oil is subject to the requirements of this Part prior to the mixing of used oil with crude oil or natural gas liquids.

- 2) Mixtures of used oil and crude oil or natural gas liquids containing less than 1% used oil that are being stored or transported to a crude oil pipeline or petroleum refining facility for insertion into the refining process at a point prior to crude distillation or catalytic cracking are exempt from the requirements of this Part.

- 3) Used oil that is inserted into the petroleum refining process before crude distillation or catalytic cracking without prior mixing with crude oil is exempt from the requirements of this Part, provided that the used oil contains less than 1% of the crude oil feed to any petroleum refining facility process unit at any given time. Prior to insertion into the petroleum refining process, the used oil is subject to the requirements of this Part.

- 4) Except as provided in subsection (g)(5) below, used oil that is introduced into a petroleum refining facility process after crude distillation or catalytic cracking is exempt from the requirements of this Part only if the used oil meets the specification of Section 739.111. Prior to insertion into the petroleum refining facility process, the used oil is subject to the requirements of this Part.

- 5) Used oil that is incidentally captured by a hydrocarbon recovery system or wastewater treatment system as part of routine process operations at a petroleum refining facility and inserted into the petroleum refining facility process is exempt from the requirements of this Part. This exemption does not extend to used oil that is intentionally introduced into a hydrocarbon recovery system (e.g., by pouring collected used oil into the wastewater treatment system).

- 6) Tank bottoms from stock tanks containing exempt mixtures of used oil and crude oil or natural gas liquids are exempt from the requirements of this Part.

- h) Used oil on vessels. Used oil produced on vessels from normal shipboard operations is not subject to this Part until it is transported ashore.

- i) Used oil containing PCBs. In addition to the requirements of this Part, a marketer or burner of used oil that markets used oil containing any qualifiable level of PCBs is subject to the

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requirements of 40 CFR 761.20(e).

(Source: Amended at 19 Ill. Reg. 10,38, effective

JUN 27 1995)

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1) Heading of the Part: Underground Injection Control Operating Requirements

2) Code citation: 35 Ill. Adm. Code 730

3) Section numbers: Adopted action:

730.104, 730.105, 730.110 Amended

730.132, 730.133, 730.151 Amended

4) Statutory authority: 415 ILCS 5/13(c), 22.4 and 27.

5) Effective date of amendments: June 27, 1995

6) Does this rulemaking contain an automatic repeal date? No.

7) Do these amendments contain incorporations by reference?

Yes. 35 Ill. Adm. Code 720.111 is the centralized listing of all documents incorporated by reference for the purposes of the Illinois UIC and RCRA Subtitle C programs (35 Ill. Adm. Code 702 through 705, 720 through 726, 728, 730, 738 & 739). The present amendments included revisions to the references in that Section. Most of the amendments involved updates to analytical methods.

8) Date filed in Board's principal office: Opinion and order adopted June 1, 1995 and supplemental opinion and order adopted June 15, 1995.

9) Notice of proposal published in Illinois Register:

March 24, 1995, 19 Ill. Reg. 4309

10) Has JCAR issued a Statement of Objections to these rules? No.

Sections 13(c) and 22.4(a) of the Environmental Protection Act (415 ILCS 5/13(c) & 22.4(a)) provide that Section 5 of the Administrative Procedure Act (5 ILCS 100/5-35 and 5-40) shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR. However, JCAR staff has reviewed the text of the amendments and recommended several minor revisions, as indicated in the table under question 11.

11) Differences between proposal and final version:

The Board has made many revisions to the text of the amendments, most of which were in response to public comments. The revisions are tabulated in summary fashion below. The source of the revisions to each segment of the amendments is indicated by the notations, where A denotes the Illinois EPA (Agency), B denotes the Board, C denotes a commentator, J denotes JCAR, S

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denotes the Secretary of State, and U denotes U.S. EPA.

Section (Source) Board Action

730. Source NoteJ Correct references to R82-19 & R95-4

730.104(c)(2)J,B Correct end punctuation

730.104(c)(3)J Delete end parenthesis

730.104(e)(9)J Correct end punctuation

12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreement letter issued by JCAR?

Sections 13(c) and 22.4(a) of the Environmental Protection Act provide that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

13) Will these amendments replace an emergency amendments currently in effect? No.

14) Are there any other amendments pending on this Part? No.

15) Summary and purpose of amendments:

A more detailed description is contained in the Board's opinion and order of June 1, 1995 and supplemental opinion and order of June 15, 1995 in R95-4/R95-6, which opinion and order and supplemental opinion and order are available from the address below. Sections 13(c) and 22.4 of the Environmental Protection Act provide that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to First Notice or to Second Notice review by JCAR.

This rulemaking updates the Board's RCRA Subtitle C and UIC rules to correspond with amendments adopted by U.S. EPA that appeared in the Federal Register during the period July 1 through December 31, 1994 and January 3 and May 19, 1995. The USEPA actions during this period were as follows:

Federal Action Summary

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59 Fed. Reg. 38536, July 28, 1994 Exclusion from definition of solid waste for certain in-process recycled secondary materials used by the petroleum refining industry

59 Fed. Reg. 43496, August 24, 1994

Withdrawal of exemption from Subtitle C regulation of slag residues from high temperature metal recovery (HTMR) of electric arc furnace dust (K061), steel finishing pickle liquor (K062), and electroplating sludges (F006) that are used in a manner constituting disposal

59 Fed. Reg. 47980, September 19, 1994

Restoration of text from 40 CFR 268.7(a) inadvertently omitted in the amendments of August 31, 1993, at 58 Fed. Reg. 46040

59 Fed. Reg. 47982, September 19, 1994

Phase II land disposal restrictions (LDRs): universal treatment standards for organic toxicity wastes and newly-listed wastes (including underground injection control (UIC) amendments)

59 Fed. Reg. 62896, December 6, 1994

Organic material air emission standards for tanks, surface impoundments, and containers (Subpart CC rules)

In addition to these principal amendments that occurred during the update period, the Board included two additional, later actions:

60 Fed. Reg. 242, January 3, 1995 Corrections to the Phase II land disposal restrictions (universal treatment standards)

60 Fed. Reg. 26828, May 19, 1995 Delayed effective date for Subpart CC rules

The January 3 action was an amendment of the September 19, 1994 Phase II LDRs (universal waste rule). U.S. EPA corrected errors and clarified language in the universal treatment standards. The Board did not delay in adding these amendments for three reasons:

1) The January 3, 1995 amendments were corrections and clarifications of the September 19, 1994 regulations, and not new substantive amendments;

2) Prompt action on the January 3, 1995 amendments will facilitate

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implementation of the Phase II LDRs; and

- 3) The Board received a request from the regulated community that we add the January 3, 1995 amendments to those of September 19, 1994. (See "Expedited Consideration" below.)

The Board also notes that the January 3 amendments occurred within six months of the earliest amendments included in this docket, even if they occurred outside the nominal time-frame of the docket. We included the May 19 amendments because they solely directly affect the effective date of principal amendments within this docket.

Specifically, the amendments to Part 730 were primarily intended to remove cross-references to Section 700.106 in the source notes to Sections 730.104, 730.105, 730.110, 730.132, 730.133, and 730.151, previously used to determine the effective date of these provisions. The Board further used this opportunity to make a number of corrections and clarifications to the text of the open provisions.

- 6) Information and questions regarding this adopted amendments shall be directed to:

Michael J. McCambridge
Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60610
312-814-6924

Request copies of the Board's opinion and order of June 1, 1995 and supplemental opinion and order of June 15, 1995 from Victoria Agyeaman, at 312-814-3620.

The full text of the adopted amendments begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER d: UNDERGROUND INJECTION CONTROL AND UNDERGROUND STORAGE TANK PROGRAMS

PART 730

UNDERGROUND INJECTION CONTROL OPERATING REQUIREMENTS

SUBPART A: GENERAL

Section	
730.101	Applicability, Scope and Effective Date
730.102	Laws Authorizing Regulations
730.103	Definitions
730.104	Criteria for Exempted Aquifers
730.105	Classification of Injection Wells
730.106	Area of Review
730.107	Corrective Action
730.108	Mechanical Integrity
730.109	Criteria for Establishing Permitting Priorities
730.110	Plugging and Abandoning Class I and Class III Wells

SUBPART B: CRITERIA AND STANDARDS APPLICABLE TO CLASS I NON-HAZARDOUS WELLS

Section	
730.111	Applicability
730.112	Construction Requirements
730.113	Operating, Monitoring and Reporting Requirements
730.114	Information to be Considered by the Agency

SUBPART C: CRITERIA AND STANDARDS APPLICABLE TO CLASS II WELLS

Section	
730.121	Adoption of Criteria and Standards Applicable to Class II Wells by the Illinois Department of Mines and Minerals

SUBPART D: CRITERIA AND STANDARDS APPLICABLE TO CLASS III WELLS

Section	
730.131	Applicability
730.132	Construction Requirements
730.133	Operating, Monitoring, and Reporting Requirements
730.134	Information to be Considered by the Agency

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SUBPART F: CRITERIA AND STANDARDS APPLICABLE
TO CLASS V INJECTION WELLS

Section
-30.151 Applicability
-30.152 Inventory and Assessment (Repealed)

SUBPART G: CRITERIA AND STANDARDS APPLICABLE TO CLASS I HAZARDOUS WELLS

Section
-30.161 Applicability and Definitions
-30.162 Minimum Criteria for Siting
-30.163 Area of Review
-30.164 Correction Action for Wells in the Area of Review
-30.165 Construction Requirements
-30.166 Logging, Sampling, and Testing Prior to New Well Operation
-30.167 Operating Requirements
-30.168 Testing and Monitoring Requirements
-30.169 Reporting Requirements
-30.170 Information to be Evaluated by the Director
-30.171 Closure
-30.172 Post-Closure Care
-30.173 Financial Responsibility for Post-Closure Care

AUTHORITY: Implementing Sections 13 and 22.4 and authorized by Section 27 of the Environmental Protection Act (415 ILCS 5/13, 22.4, and 27).

SOURCE: Adopted in R81-32, 47 PCB 93, at 6 Ill. Reg. 12479, effective March 3, 1984; amended in R82-19, 53 PCB 131, at 7 Ill. Reg. 14426, effective March 3, 1984; recodified at 10 Ill. Reg. 14174; amended at R89-2 at 14 Ill. Reg. 3130, effective February 20, 1990; amended in R89-11 at 14 Ill. Reg. 11959, effective July 9, 1990; amended in R93-6 at 17 Ill. Reg. 15646, effective September 14, 1993; amended in R94-5 at 18 Ill. Reg. 18391, effective December 20, 1994; amended in R95-4 at 19 Ill. Reg. 10042, effective JUN 27 1995.

SUBPART A: GENERAL

Section 730.104 Criteria for Exempted Aquifers

An aquifer or a portion thereof which that meets the criteria for an "underground source of drinking water" in Section 730.103 may be determined by the Board under 35 Ill. Adm. Code 704.103, 704.123, and 702.105 to be an "exempted aquifer" if it meets the following criteria:

- a) It does not currently serve as a source of drinking water; and
- b) It cannot now and will not in the future serve as a source of drinking water because:
 - 1) It is mineral, hydrocarbon, or geothermal energy producing, or

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can be demonstrated by a permit applicant can demonstrate, as part of a permit application for a Class II or III operation injection well, that the aquifer to contain minerals or hydrocarbons that considering their quantity and location are expected to be commercially producible considering their quantity and location;

- 2) It is situated at a depth or location which that makes recovery of water for drinking water purposes economically or technologically impractical;
 - 3) It is so contaminated that it would be economically or technologically impractical to render that water fit for human consumption; or
 - 4) It is located over a Class III well mining area subject to subsidence or catastrophic collapse; or
- c) The total dissolved solids content of the ground-water is more than 3,000 and less than 10,000 mg/l and the aquifer is not reasonably expected to supply a public water system.

(Source: Amended at 19 Ill. Reg. 10042, effective JUN 27 1995)

Section 730.105 Classification of Injection Wells

Injection wells are classified as follows:

- a) Class I.
 - 1) Wells used by generators of hazardous wastes or owners or operators of hazardous waste management facilities to inject hazardous waste beneath the lowermost formation containing within 402 meters (1 1/4 mile) of the well-bore an underground source of drinking water within 402 meters (1/4 mile) of the well bore.
 - 2) Other industrial and municipal disposal wells which that inject fluids beneath the lowermost formation containing within 402 meters (1 1/4 mile) of the well-bore an underground source of drinking water within 402 meters (1/4 mile) of the well bore.
- b) Class II. Wells which that inject fluids:
 - 1) which That are brought to the surface in connection with conventional oil or natural gas production and which may be commingled with wastewaters from gas plants which that are an integral part of production operations, unless those waters are classified as a hazardous waste at the time of injection;
 - 2) For enhanced recovery of oil or natural gas; and
 - 3) For storage of hydrocarbons which that are liquid at standard temperature and pressure.
- c) Class III. Wells which that inject for extraction of minerals, including:
 - 1) Mining of sulfur by the Frasch process;
 - 2) In situ production of uranium or other metals. This category

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includes only in situ production from ore bodies which that have not been conventionally mined. Solution mining of conventional mines, such as stopes leaching, is included in Class V; and

- 3) Solution mining of salts or potash.

~~†Board-Note-BOARD NOTE:~~ Class III wells include the recovery of geothermal energy to produce electric power but do not include wells used in heating or aquaculture which that fall under Class V.†

d) Class IV.

- 1) Wells used by generators of hazardous waste or of radioactive waste, by owners or operators of hazardous waste management facilities, or by owners or operators of radioactive waste disposal sites to dispose of hazardous waste or radioactive waste into a formation which that ~~within 402-meters-(1/4-mile)-of--the~~ well contains an underground source of drinking water within 402 meters (1/4 mile) of the well.

- 2) Wells used by generators of hazardous waste or of radioactive waste, by owners or operators of hazardous waste management facilities, or by owners or operators of radioactive waste disposal sites to dispose of hazardous waste or radioactive waste above a formation which that ~~within 402-meters-(1/4-mile)-of--the~~ well contains an underground source of drinking water within 402 meters (1/4 mile) of the well.

- 3) Wells used by generators of hazardous waste or owners or operators of hazardous waste management facilities to dispose of hazardous waste, which that cannot be classified under 35---III-Adm---Code---730-105 subsection (a)(1), or 730-105(d)(1), and or (d)(2) above (e.g., wells used to dispose of hazardous wastes into or above a formation which that contains an aquifer which that has been exempted pursuant to 35---III---Adm---Code Section 730.104).

- e) Class V. Injection wells not included in Class I, Class II, Class III, or Class IV. Class V wells include:

- 1) Air conditioning return flow wells used to return the water used in a heat pump for heating or cooling to the supply aquifer the water-used-for-heating-or-cooling-in-a-heat-pump;

- 2) Cesspools, including multiple dwelling, community, or regional cesspools, or other devices that receive wastes, which that have an open bottom and sometimes have perforated sides. The UIC requirements do not apply to single family residential cesspools or to non-residential cesspools which that receive solely sanitary wastes and have the capacity to serve fewer than 20 persons a day;

- 3) Cooling water return flow wells used to inject water previously used for cooling;

- 4) Drainage wells used to drain surface fluid, primarily storm runoff, into a subsurface formation;

- 5) Dry wells used for the injection of wastes into a subsurface

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formation:

- 6) Recharge wells used to replenish the water in an aquifer;
7) Salt water intrusion barrier wells used to inject water into a fresh water aquifer to prevent the intrusion of salt water into the fresh water;

- 8) Sand backfill and other backfill wells used to inject a mixture of water and sand, mill tailings, or other solids into mined out portions of subsurface mines whether what is injected is a radioactive waste or not;

- 9) Septic system wells used to inject the waste or effluent from a multiple dwelling, business establishment, community, or regional business establishment septic tank. The UIC requirements do not apply to single family residential septic system wells, or to non-residential septic system wells which that are used solely for the disposal of sanitary waste and which that have the capacity to serve fewer than 20 persons a day;†

- 10) Subsidence control wells (not used for the purpose of oil or natural gas production) used to inject fluids into a non-oil or gas producing zone to reduce or eliminate subsidence associated with the overdraft of fresh water;

- 11) Radioactive waste disposal wells other than Class IV wells;

- 12) Injection wells associated with the recovery of geothermal energy for heating, aquaculture or production of electric power;

- 13) Wells used for solution mining of conventional mines such as stopes leaching;

- 14) Wells used to inject spent brine into the same formation from which it was withdrawn after extraction of halogens or their salts; and

- 15) Injection wells used in experimental technologies.

(Source: ~~JUN 27 1995~~ 19 Ill. Reg. 10-047, effective

Section 730.110 Plugging and Abandoning Class I and Class III Wells

- a) Prior to abandoning a Class I or Class III well, the well shall be plugged with cement in a manner which that will not allow the movement of fluids either into or between underground sources of drinking water. The Agency may allow Class III wells to use other plugging materials if it is satisfied that such materials will prevent movement of fluids into or between underground sources of drinking water.

- b) Placement of the cement plugs shall be accomplished by one of the following:

- 1) The Balance Method;
- 2) The Dump Bailer Method; ~~or~~
- 3) The Two-Plug Method; or
- 4) An alternative method approved by the Agency in the permit-which that will reliably provide a comparable level of protection to

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- underground sources of drinking water.
- c) The well to be abandoned shall must be in a state of static equilibrium with the mud weight equalized top to bottom, either by circulating the mud in the well at least once or by a comparable method prescribed by the Agency, prior to the placement of the cement plug.
- d) The plugging and abandonment required in 35 Ill. Adm. Code 704.188 and 704.187 shall must also demonstrate adequate protection of USDWs in the case of a Class III project well which that underlies or is in an aquifer which that has been exempted under Section 730.1047-also demonstrate adequate protection-of-USDWs. The Agency shall prescribe aquifer cleanup and monitoring where it deems it necessary and feasible to insure adequate protection of USDWs.

(Source: Amended at 29 Ill. Reg. 10447, effective JUN 27 1995)

SUBPART D: CRITERIA AND STANDARDS APPLICABLE TO CLASS III WELLS

Section 730.132 Construction Requirements

- a) All new Class III wells shall must be cased and cemented to prevent the migration of fluids into or between underground sources for drinking water. The Agency may waive the cementing requirements for new wells in existing projects or portions of existing projects where it has substantial evidence that no contamination of underground sources of drinking water would result. The casing and cement used in the construction of each newly drilled well shall must be designed for the life expectancy of the well. In determining and specifying casing and cementing requirements, the following factors shall must be considered:
- 1) Depth to the injection zone;
 - 2) Injection pressure, external pressure, internal pressure, axial loading, etc.;
 - 3) Hole size;
 - 4) Size and grade of all casing strings (wall thickness, diameter, nominal weight, length, joint specification, and construction material);
 - 5) Corrosiveness of injected fluids and formation fluids;
 - 6) Lithology of injection and confining zones; and
 - 7) Type and grade of cement.
- b) Appropriate logs and other tests shall must be conducted during the drilling and construction of new Class III wells. A descriptive report interpreting the results of such logs and tests shall must be prepared by a knowledgeable log analyst and submitted to the Agency. The logs and tests appropriate to each type of Class III well shall must be determined based on the intended function, depth, construction, and other characteristics of the well; availability of

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similar data in the area of the drilling site, and the need for additional information that may arise from time to time as the construction of the well progresses. Deviation checks shall must be conducted on all holes where pilot holes and reaming are used, unless the hole will be cased and cemented by circulating cement to the surface. Where deviation checks are necessary they shall must be conducted at sufficiently frequent intervals to assure that vertical avenues for fluid migration in the form of diverging holes are not created during drilling.

- c) Where the injection zone is a formation which that is naturally water-bearing, the following information concerning the injection zone shall must be determined or calculated for new Class III wells or projects:
- 1) Fluid pressure;
 - 2) Fracture pressure; and
 - 3) Physical and chemical characteristics of the formation fluids.
- d) Where the injection formation is not a water-bearing formation, the information in paragraph subsection (c)(2) above must be submitted.
- e) Where injection is into a formation which that contains water with less than 10,000 mg/l TDS, monitoring wells shall be completed into the injection zone and into any underground sources of drinking water above the injection zone which that could be affected by the mining operation. These wells shall be located in such a fashion as to detect any excursion of injection fluids, process by-products, or formation fluids outside the mining area or zone. If the operation may be affected by subsidence or catastrophic collapse, the monitoring wells shall be located so that they will not be physically affected.
- f) Where injection is into a formation which that does not contain water with less than 10,000 mg/l TDS, no monitoring wells are necessary in the injection stratum.
- g) Where the injection wells penetrate an USDW in an area subject to subsidence or catastrophic collapse, an adequate number of monitoring wells shall must be completed into the USDW to detect any movement of injected fluids, process by-products, or formation fluids into the USDW. The monitoring wells shall must be located outside the physical influence of the subsidence or catastrophic collapse.
- h) In determining the number, location, construction and frequency of monitoring of the monitoring wells the following criteria shall must be considered:
- 1) The population relying on the USDW affected or potentially affected by the injection operation;
 - 2) The proximity of the injection operation to points of withdrawal of drinking water;
 - 3) The local geology and hydrology;
 - 4) The operating pressures and whether a negative pressure gradient is being maintained;
 - 5) The nature and volume of the injected fluid, the formation water, and the process by-products; and

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- 6) The injection well density.

(Source: Amended at 19 Ill. Reg. 10047, effective JUN 27 1995)

Section 730.133 Operating, Monitoring, and Reporting Requirements

- a) Operating Requirements. Operating requirements prescribed shall must, at a minimum, specify that:

1) Except during well stimulation, injection pressure at the wellhead shall must be calculated so as to assure that the pressure in the injection zone during injection does not initiate new fractures or propagate existing fractures in the injection zone. In no case shall injection pressure initiate fractures in the confining zone or cause the migration of injection or formation fluids into an underground source of drinking water.

2) Injection between the outermost casing protecting underground sources of drinking water and the well bore is prohibited.

- b) Monitoring Requirements. Monitoring requirements shall, at a minimum, specify:

1) Monitoring of the nature of injected fluids with sufficient frequency to yield representative data on its characteristics. Whenever the injection fluid is modified to the extent that the analysis required by Section 730.134 (a)(7)(C) is incorrect or incomplete, the owner or operator shall provide the Agency with a new analysis as required by Section 730.134 (a)(7)(C);

2) Monitoring of injection pressure and either flow rate or volume semimonthly, or metering and daily recording of injected and produced fluid volumes, as appropriate;

3) Demonstration of mechanical integrity pursuant to Section 730.108 at least once every five years during the life of the well for salt solution mining;

4) Monitoring of the fluid level in the injection zone semi-monthly, where appropriate, and monitoring of the parameters chosen to measure water quality in the monitoring wells required by Section 730.132(e) semi-monthly; and

5) Quarterly monitoring of wells required by Section 730.132(q).

6) All Class III wells may be monitored on a field or project basis, rather than on an individual well basis, by manifold monitoring. Manifold monitoring may be used in cases of facilities consisting of more than one injection well operating with a common manifold. Separate monitoring systems for each well are not required provided the owner or operator demonstrates that manifold monitoring is comparable to individual well monitoring.

- c) Reporting Requirements. Reporting requirements shall, at a minimum, include:

1) Quarterly reporting to the Agency on required monitoring;

2) Results of mechanical integrity and any other periodic test

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- required by the Agency reported with the first regular quarterly report after the completion of the test; and
- 3) Monitoring may be reported on a project or field basis rather than individual well basis where manifold monitoring is used.

(Source: Amended at 19 Ill. Reg. 10047, effective JUN 27 1995)

SUBPART F: CRITERIA AND STANDARDS APPLICABLE
TO CLASS V INJECTION WELLS

Section 730.151 Applicability

This Subpart sets forth criteria and standards for underground injection control programs to regulate all injection not regulated in 730-Subparts B, D, and E. Class II wells, however, are not regulated by this Subpart.

a) Generally, wells covered by this Subpart inject non-hazardous fluids into or above formations that contain underground sources of drinking water. It includes all wells listed in Section 730.105(e) but is not limited to those types of injection wells.

b) It also includes wells not covered in Class IV that inject radioactive materials listed in 10 CFR 20, Appendix B, Table II, Column 2.

(Source: Amended at 19 Ill. Reg. 10047, effective JUN 27 1995)

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1) Heading of the Part: Hospital Services

2) Code Citation: 89 Ill. Adm. Code 148

3) Section Numbers: Adopted Action:

148.25, 148.40, 148.120, Amendment
148.130, 148.140, 148.150, Amendment
148.160, 148.170, 148.250, Amendment
148.260 148.270, 148.290 Amendment
148.310

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, par. 12-13) [305 ILCS 5/12-13]

5) Effective Date of Amendments: June 29, 1995

6) Does this rulemaking contain an automatic repeal date? No

7) Do these Amendments contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: June 29, 1995

9) Notice of Proposal Published in Illinois Register: March 17, 1995 (19 Ill. Reg. 3167)

10) Has JCAR issued a Statement of Objections to these Adopted Amendments?
Yes

11) Differences between proposal and final version: The following changes have been made in the proposed amendments.

Technical changes have been made in the Authority Note following the initial section outline.

Section 148.25

Subsection (b)(1)(A) has been revised to read, "County-owned hospitals, meaning all county-owned hospitals that are located in an Illinois county with a population of over three million".

Subsection (b)(2)(B) has been revised by replacing the period at the end of the subsection with "; or".

In subsection (b)(6), the word "described" has been deleted.

Section 148.120

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In subsection (g)(3), the term "state-operated" has been changed to "State-operated".

At the end of subsection (g)(3)(B), the word "hospitals" has been changed to "hospitals".

In subsection (g)(3)(C), the reference to "(g)(3)(C)" has been changed to "(g)(3)(B)".

In subsection (g)(3)(D), the reference to "(g)(3)(A)" has been changed to "(g)(3)(B)".

In subsection (1)(6), "et." has been changed to "et".

In subsection (1)(7), the new language has been further amended after "670.0 through 676.9 with a 5th digit of 1 or 2;" by adding the following, "or V27 through V27.9; or V30 through V39.9;".

Section 148.140

In subsection (b)(4), "October 1, 1993" has been changed to "July 1, 1995".

Subsection (b)(4)(B)(i) has been revised to read, "A hospital defined in Section 148.25(b)(2)(A) through (B)(2)(C) which is a major teaching hospital, as defined in Section 148.25(d), or a children's hospital, as defined in 89 Ill. Adm. Code 149.50(c)(3); or".

Subsection (b)(4)(B)(ii) has been revised to read, "A hospital defined in Section 148.25(b)."

Subsection (b)(4)(C)(i) has been revised to read, "A hospital defined in Section 148.25(b)(2)(A) through (b)(2)(C) which is a major teaching hospital, as defined in Section 148.25(d), or a children's hospital, as defined in 89 Ill. Adm. Code 149.50 (c)(3); or".

Subsection (b)(4)(C)(ii) has been revised to read, "A hospital defined in Section 148.25(b)."

Subsection (b)(4)(D)(i) has been revised to read, "A hospital defined in Section 148.25 (b)(2)(A) through (b)(2)(C) which is a major teaching hospital, as defined in Section 148.25(d), or a children's hospital, as defined in 89 Ill. Adm. Code 149.50(c)(3); or".

Subsection (b)(4)(D)(ii) has been revised to read, "A hospital defined in Section 148.25(b); and".

In subsection (b)(5), the reference to "subsection (d)(7)" has been

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changed to "subsection (b)(6)".

In subsection (c)(7), "within 90 days of" has been changed to "within 90 days after".

In subsection (d)(1)(B)(ii), the first sentence has been revised to read, "The supplemental service cost shall be multiplied by the allowable overhead rate factor to calculate the supplemental overhead cost per encounter." The remainder of the subsection has been stricken.

Section 148.150

In subsection (b)(3), "June 30 1995" has been changed to "June 30, 1995", and the words "base year" at the end of the subsection have been stricken.

Section 148.160

In subsection (a), the word "section" has been changed to "Section".

In subsection (i)(2), the reference to "148.290(j)(2)" has been changed to "148.290(f)(2)".

Section 148.170

In subsection (h)(2), the reference to "148.290(j)(2)" has been changed to "148.290(f)(2)".

The end of subsection (k) has been revised to read, "September 30 of the following year, except for the period of July 1, 1995, through September 30, 1995."

Section 148.250

In subsection (d), "89 Ill. Adm. Code 148.290(c)" and "89 Ill. Adm. Code 148.290(d)" have been changed to "Section 148.290(c)" and "Section 148.290(d)" respectively.

Section 148.260

In the fifth line of subsection (a)(1)(b)(iv), "ninety" has been changed to "90".

Section 148.290

In subsection (d)(1)(A), the word "and" at the end of the subsection has been stricken.

In subsection (d)(1)(B), the period at the end of the subsection has been

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replaced with "; and".

No other changes have been made in the text of the proposed amendments.

(2) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

(3) Will these Amendments replace Emergency Amendments currently in effect? Yes. Some of the amendments in Sections 148.25 and 148.120 will replace emergency amendments that are currently in effect.

(4) Are there any Amendments pending on this Part? Yes

Sections	Proposed Action	Illinois Register Citation
148.175	New Section	May 12, 1995 (19 Ill. Reg. 6449)
148.240	Amendment	May 12, 1995 (19 Ill. Reg. 6449)

(5) Summary and Purpose of Amendments: These amendments pertain to the Department's rules concerning Hospital Services. Some of the changes correspond to emergency rulemakings in Sections 148.25 and 148.120, effective March 1, 1995, which provide that State owned facilities operated by the Department of Mental Health and Developmental Disabilities (DMHDD) shall be eligible for disproportionate share (DSH) hospital adjustments. The Department is initiating this action to maximize federal financing benefits to hospitals as permitted by Illinois' federal DSH spending limitations. The DSH payments for DMHDD operated facilities shall be in addition to the reimbursements currently paid for services provided by these facilities. The DSH payment amount made to each facility will be determined according to a methodology consistent with current DSH formulas and include mechanisms to ensure compliance with OBRA '93 guidelines and federal DSH spending limitations.

Section 148.170 contains reimbursement methodology for hospitals organized under the University of Illinois Hospital Act. In order to meet federal regulations set forth in Public Law 103-66, the Department is changing the reimbursement methodology for hospitals organized under the University of Illinois Hospital Act.

Additionally, the amendments also bring the Department into compliance with federal statutory requirements regarding disproportionate share adjustments, and with provisions of Public Act 88-554 concerning the elimination of certain adjustment payments.

Other amendments throughout these rules are necessary to comply with provisions of Public Act 88-554. Therefore, adjustment payments for health care education, outpatient indigent volume, uncompensated care, trauma care, perinatal care, obstetrical care, targeted access,

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rehabilitation hospital adjustment, and Medicaid high volume for non-disproportionate share hospitals are being eliminated. Additionally, technical changes are being proposed throughout these rules.

- 16) Information and questions regarding these Adopted Amendments shall be directed to:

Joanne Jones
Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Avenue East, Third Floor
Springfield, Illinois 62762
(217) 524-3215

The full text of the Adopted Amendments begins on the next page:

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TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS

PART 148
HOSPITAL SERVICES

Section	
148.10	Hospital Services
148.20	Participation
148.25	Definitions and Applicability
148.30	General Requirements
148.40	Special Requirements
148.50	Covered Hospital Services
148.60	Services Not Covered as Hospital Services
148.70	Limitation On Hospital Services
148.80	Organ Transplants Services Covered Under Medicaid (Repealed)
148.82	Organ Transplant Services
148.90	Heart Transplants (Repealed)
148.100	Liver Transplants (Repealed)
148.110	Bone Marrow Transplants (Repealed)
148.120	Disproportionate Share Hospital (DSH) Adjustments
148.130	Outlier Adjustments for Exceptionally Costly Stays
148.140	Hospital Outpatient and Clinic Services
148.150	Public Law 103-66 Requirements Uncompensated-Care-Payment-Adjustments
148.160	Payment Methodology for County-Owned Hospitals in a County with a Population of Over Three Million
148.170	Payment Methodology for Hospitals Organized Under the University of Illinois Hospital Act
148.180	Payment for Pre-operative Days, Patient Specific Orders, and Services Which Can Be Performed in an Outpatient Setting
148.190	Copayments
148.200	Alternate Reimbursement Systems
148.210	Filing Cost Reports
148.220	Pre September 1, 1991 Admissions
148.230	Admissions Occurring on or after September 1, 1991
148.240	Utilization Review and Furnishing of Inpatient Hospital Services Directly or Under Arrangements
148.250	Determination of Alternate Payment Rates to Certain Exempt Hospitals
148.260	Calculation and Definitions of Inpatient Per Diem Rates
148.270	Determination of Alternate Cost Per Diem Rates for All Hospitals; Payment Rates for Certain Exempt Hospital Units; and Payment Rates for Certain Other Hospitals
148.280	Reimbursement Methodologies for Children's Hospitals and Hospitals Reimbursed Under Special Arrangements
148.290	Adjustments and Reductions to Total Payments
148.300	Payment
148.310	Review Procedure

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- 148.320 Alternatives
 148.330 Exemptions
 148.340 Subacute Alcoholism and Substance Abuse Treatment Services
 148.350 Definitions
 148.360 Types of Subacute Alcoholism and Substance Abuse Treatment Services
 148.368 Volume Adjustment (Repealed)
 148.370 Payment for Subacute Alcoholism and Substance Abuse Treatment Services
 148.373 Utilization (Repealed)
 148.376 Utilization, Case-Mix and Discretionary Funds
 148.380 Rate Appeals for Subacute Alcoholism and Substance Abuse Treatment Services
 148.390 Hearings
 148.400 Special Hospital Reporting Requirements

AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act [20 ILCS 2215/Art. III] and implementing and authorized by Articles III, IV, V, VI, VII and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V, VI and VII and 12-13].

SOURCE: Sections 148.10 thru 148.390 recodified from 89 Ill. Adm. Code 140.94 thru 140.398 at 13 Ill. Reg. 9572; Section 148.120 recodified from 89 Ill. Adm. Code 140.110 at 13 Ill. Reg. 12118; amended at 14 Ill. Reg. 2553, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 11392, effective July 1, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 15358, effective September 13, 1990; amended at 14 Ill. Reg. 16998, effective October 4, 1990; amended at 14 Ill. Reg. 18293, effective October 30, 1990; amended at 14 Ill. Reg. 18499, effective November 8, 1990; emergency amendment at 15 Ill. Reg. 10502, effective July 1, 1991, for a maximum of 150 days; emergency expired October 29, 1991; emergency amendment at 15 Ill. Reg. 12005, effective August 9, 1991, for a maximum of 150 days; emergency expired January 6, 1992; emergency amendment at 15 Ill. Reg. 16166, effective November 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 18684, effective December 23, 1991; amended at 16 Ill. Reg. 6255, effective March 27, 1992; emergency amendment at 16 Ill. Reg. 11335, effective June 30, 1992, for a maximum of 150 days; emergency expired November 27, 1992; emergency amendment at 16 Ill. Reg. 11942, effective July 10, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 14778, effective October 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19873, effective December 7, 1992; amended at 17 Ill. Reg. 131, effective December 21, 1992; amended at 17 Ill. Reg. 3296, effective March 1, 1993; amended at 17 Ill. Reg. 6649, effective April 21, 1993; amended at 17 Ill. Reg. 14643, effective August 30, 1993; emergency amendment at 17 Ill. Reg. 17323, effective October 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 3450, effective February 28, 1994; emergency amendment at 18 Ill. Reg. 12853, effective August 2, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 14117, effective September 1, 1994; amended at 18 Ill. Reg. 17648, effective November 29, 1994; amended at 19 Ill. Reg. 1067, effective January 20, 1995; emergency amendment at 19 Ill. Reg. 3510, effective March 1,

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1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 6709, effective May 12, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. **10060**, effective **JUN 29 1995**.

Section 148.25 Definitions and Applicability

- a) Payment for hospital inpatient, hospital outpatient and hospital clinic services shall be made only to a hospital or a distinct part hospital unit as defined in this Section.
- b) The term "hospital" means:
- 1) For the purpose of hospital inpatient reimbursement, any institution, place, building, or agency, public or private, whether organized for profit or not-for-profit, which is located in the State and is subject to licensure by the Illinois Department of Public Health under the Hospital Licensing Act or any institution, place, building or agency, public or private, whether organized for profit or not-for-profit, which meets all comparable conditions and requirements of the Hospital Licensing Act in effect for the state in which it is located. In addition, unless specifically indicated otherwise, for the purpose of inpatient reimbursement, the term "hospital" shall also include:
 - A) County-owned hospitals, ~~shall mean~~ meaning all county-owned hospitals that are located in an Illinois county with a population of over 3 million.
 - B) A hospital ~~and/or-hospitals~~ organized under the University of Illinois Hospital Act.
 - C) A hospital unit that is adjacent to or on the premises of the hospital and licensed under the Hospital Licensing Act or the University of Illinois Hospital Act.
 - 2) For the purpose of hospital outpatient reimbursement, the term "hospital" shall, in addition to the definition described in subsection (b)(1) above, include an encounter rate hospital. An encounter rate hospital is defined as:
 - A) An Illinois county-owned hospital located in a county with a population exceeding three 3 million; ~~or~~
 - B) A hospital ~~and/or-hospitals~~ organized under the University of Illinois Hospital Act; ~~or~~
 - C) A county-operated outpatient facility located in a county with a population exceeding three 3 million that is also located in the State of Illinois.
 - 3) For the purpose of non hospital-based clinic reimbursement, the term "hospital" shall mean:
 - A) A county-operated outpatient facility, as described in subsection (b)(2)(D) above; or
 - B) A Certified Hospital Organized Satellite Clinic, as described in 89 Ill. Adm. Code 140.461(f)(1)(B) and subsection (b)(5)(B) below.
 - 4) For the purpose of hospital-based clinic reimbursement, the term

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"hospital" shall mean a hospital-based clinic meeting the provisions of 89 Ill. Adm. Code 140.461(a) and Section 148.40(d). 5) For the purpose of Healthy Moms/Healthy Kids reimbursement, as described in 89 Ill. Adm. Code 140.464 and Section 148.140(d)(6), the term "Healthy Moms/Healthy Kids managed care clinic" shall mean a clinic meeting the requirements of 89 Ill. Adm. Code 140.461(f). The following four categories of Healthy Moms/Healthy Kids managed care clinics are recognized under the Healthy Moms/Healthy Kids Program, as described in 89 Ill. Adm. Code 140, Subpart G:

- A) Certified Hospital Ambulatory Primary Care Centers (CHAPCC), as described in 89 Ill. Adm. Code 140.461(f)(1)(A);
- B) Certified Hospital Organized Satellite Clinics (CHOSC), as described in 89 Ill. Adm. Code 140.461(f)(1)(B);
- C) Certified Obstetrical Ambulatory Care Centers (COBACC), as described in 89 Ill. Adm. Code 140.461(f)(1)(C); and
- D) Certified Pediatric Ambulatory Care Centers (CPACC), as described in 89 Ill. Adm. Code 140.461(f)(1)(D).

6) For the purpose of disproportionate share hospital adjustments, the term "hospital" shall, in addition to the definition in subsection (b)(1) above, include the facilities operated by the Department of Mental Health and Developmental Disabilities which are accredited by the Joint Commission on Accreditation of Health Organizations (JCAHO).

c) For the purpose of hospital inpatient reimbursement, the term "distinct part hospital unit" means a hospital, as defined in subsection (b)(1) above, that meets the following qualification(s):

- 1) Distinct Part Psychiatric Units. A distinct part psychiatric unit is a hospital, with a functional psychiatric unit, that is enrolled with the Department to provide inpatient psychiatric services (category of service 21).
- 2) Distinct Part Rehabilitation Units. A distinct part rehabilitation unit is a hospital, with a functional rehabilitation unit, that is enrolled with the Department to provide inpatient rehabilitation services (category of service 22).

d) A major teaching hospital is defined as a hospital having four or more graduate medical education programs accredited by the American Accreditation Council for Graduate Medical Education, the American Osteopathic Association Division of Post - doctoral Training, or the American Dental Association Joint Commission on Dental Accreditation. Except, in the case of a hospital devoted exclusively to physical rehabilitation, as defined in 89 Ill. Adm. Code 149.50(c)(2), or in the case of a children's hospital, as defined in 89 Ill. Adm. Code 149.50(c)(3), only one certified program is required to be so classified.

e) Except as provided in subsection (d) above, a teaching hospital is defined as a hospital having at least one, but no more than three,

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graduate medical education programs accredited by the American Accreditation Council for Graduate Medical Education, the American Osteopathic Association Division of Post-doctoral Training, or the American Dental Association Joint Commission on Dental Accreditation. f) A non-teaching hospital is defined as:

- 1) A hospital that reports teaching costs on the Medicare or Medicaid cost reports out has no graduate medical education programs; or
 - 2) A hospital that reports no teaching costs on the Medicare or Medicaid cost reports and that has no graduate medical education programs.
- g) Definitions. Unless specifically stated otherwise, the definitions of terms used in Sections 148.130, 148.260, 148.270, and 148.280, and in 89 Ill. Adm. Code 149 are as follows:
- 1) "Base period" means the two most recent cost report years for which audited cost reports are available for at least 90 percent of cost reporting hospitals.
 - 2) "Rate period" means:

- A) For admissions, or if applicable, dates of service, on or after October 1, 1992, and on or before March 31, 1994, the eighteen month period beginning on October 1, 1992, and ending on March 31, 1994.
- B) Beginning with admissions, or if applicable, dates of service, on or after April 1, 1994, the period beginning 90 days after the effective date of DRG PPS rates under the federal Medicare program and ending 90 days after any subsequent DRG PPS rate change under the federal Medicare program.

3) "Rural hospital" means a hospital that is:

- A) Located:
 - i) Outside a metropolitan statistical area; or
 - ii) Located 15 miles or less from a county that is outside a metropolitan statistical area and that is licensed to perform medical/surgical or obstetrical services and has a combined approved total bed capacity of 75 or fewer beds in these two service categories as of the effective date of P.A. 88-88 (July 14, 1993), as determined by the Illinois Department of Public Health.
- B) The Illinois Department of Public Health must have been notified in writing of any changes to a facility's bed count on or before the effective date of P.A. 88-88 (July 14, 1993).

4) "Urban hospital" means a hospital that is located in a metropolitan statistical area that does not meet the criteria described in subsection (g)(3) above.

(Source: Amended at 19 Ill. Reg. 10060, effective

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Section 148.40 Special Requirements

- a) Inpatient Psychiatric Services
- 1) Payment for inpatient hospital psychiatric services shall be made only to:
 - A) A hospital that is a general hospital, as defined in Section 148.25(b), with a functional unit, as defined in Section 148.25(c)(1), that specializes in, and is enrolled with the Department to provide, psychiatric services; or
 - B) A hospital, as defined in Section 148.25(b), that holds a valid license as, and is enrolled with the Department as, a psychiatric hospital, as defined in 89 Ill. Adm. Code 149.50(c)(1).
 - 2) Inpatient psychiatric services are those services provided to patients who are in need of short-term acute inpatient hospitalization for active treatment of an emotional or mental disorder.
 - 3) Inpatient psychiatric services are not covered for Family and Children Assistance (formerly known as General Assistance) program participants who are 18 years of age or older.
 - 4) Federal Medicaid regulations preclude payment for patients over 20 or under 65 years of age in any Institution for Mental Diseases (IMD). Therefore, psychiatric hospitals may not receive reimbursement for services provided to patients over the age of 20 and under the age of 65. In the case of a patient receiving psychiatric services immediately preceding his/her 21st birthday, reimbursement for psychiatric services shall be provided until the earliest of the following:
 - A) The date the patient no longer requires the services; or
 - B) The date the patient reaches 22 years of age.
 - 5) A psychiatric hospital must be accredited by the Joint Commission on the Accreditation of Health Care Organizations to provide services to program participants under 21 years of age or be Medicare certified to provide services to program participants 65 years of age and older. Distinct part psychiatric units and psychiatric hospitals located in the State of Illinois, or within a 100 mile radius of the State of Illinois, must execute an interagency agreement with a DMHDD-operated mental health center (State-operated facilities) for coordination of services including, but not limited to, crisis screening and discharge planning to ensure linkage to aftercare services with private practitioners or community mental health services, as described in subsection (a)(6) below.
 - 6) Coordination of Care - Purpose. In accordance with subsection (a)(5) above, distinct part psychiatric units and psychiatric hospitals located in the State of Illinois, or within a 100 mile

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radius of the State of Illinois, must execute a Coordination of Care Agreement in order to participate as a provider of inpatient psychiatric services. The Coordination of Care Agreement shall set forth an agreement between the DMHDD-operated mental health center (State-operated facility) and the hospital for the coordination of services, including but not limited to crisis screening and discharge planning to ensure efficient use of inpatient care. The agreement shall also set forth the manner in which linkage to aftercare services with community mental health agencies or private practitioners shall be carried out.

7) Coordination of Care - General Provisions. The general provisions of the Coordination of Care Agreement described in subsection (a)(6) above are as follows:

- A) The hospital shall agree, on a continuing basis, to comply with applicable licensing standards as contained in State laws or regulations and shall maintain accreditation by JCAHO;
- B) The provider shall comply with Title VI of the Civil Rights Act of 1964 and the Rehabilitation Act of 1973 and regulations promulgated thereunder which prohibit discrimination on the grounds of sex, race, color, national origin or handicap;
- C) The provider shall comply with the following applicable federal, State and local statutes pertaining to equal employment opportunity, affirmative action, and other related requirements: 42 U.S.C.A. 2000e (1981), 29 U.S.C.A. 203 et seq. (1982), Ill. Rev. Stat. 1991, ch. 68, pars. 101 et seq. [775 ILCS 25];
- D) The Coordination of Care Agreement shall remain in effect until amended by mutual consent or cancelled in writing by either party having given thirty (30) days prior notification.
- 8) Coordination of Care - Special Requirements. The hospital shall:
 - A) Provide on its premises the facilities, staff, and programs for the diagnosis, admission, and treatment of persons who may require inpatient care and/or assessment of mental status, mental illness, emotional disability, and other psychiatric problems;
 - B) Notify the community mental health agency that serves the geographic area from which the recipient originated to allow the agency to prescreen the case prior to referring the individual to the designated State-operated facility. The community mental health agency's resources and other appropriate community alternatives shall be considered prior to making a referral to the State-operated facility for admission;
 - C) Complete any forms necessary and consistent with the Mental Health and Developmental Disabilities Code in the event of a

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referral for involuntary or judicial admission:
 D) Notify the community mental health agency or private practitioner of the date and time of discharge and invite their participation in the discharge planning process;

E) Refer to the State-operated facility only those individuals for whom less restrictive alternatives are documented not to be appropriate at the time based on a clinical determination by the community mental health agency, a private practitioner (if applicable), or the hospital; and

F) Notify the State-operated facility prior to planned transfer of an individual and transfer the individual at such time as to assure arrival of the person prior to 11 a.m. Monday through Friday. In unusual situations, transfers may be made at other times after prior discussion between the hospital and the State-operated facility. The individual will only be transported to the State-operated facility when, based on a clinical determination, he/she is medically stable as determined by the transferring physician. A copy of the transfer summary from the hospital must accompany the recipient at the time of admission to the State-operated facility.

3) Coordination of Care - Special Requirements of the State-Operated Facility. The State-operated facility shall:

A) Admit individuals who have been screened as defined in the Coordination of Care Agreement and are appropriate for admission consistent with the provisions of the Mental Health and Developmental Disabilities Code.

B) Evaluate Individuals for whom the hospital has executed a Petition and Certificate for involuntary/judicial admission consistent with the Mental Health and Developmental Disabilities Code.

C) Consider for admission voluntary individuals for whom less restrictive alternatives are documented not to be appropriate at the time, based on a clinical determination by the community mental health agency, private practitioner (if applicable), the hospital, or the State-operated facility.

10) A participating hospital not enrolled for inpatient psychiatric services may provide psychiatric care as a general inpatient service only on an emergency basis for a maximum period of 72 hours or in cases in which the psychiatric services are secondary to the services for which the period of hospitalization is approved.

b) Inpatient Rehabilitation Services

1) Payment for inpatient rehabilitation services shall be made only to a general hospital, as defined in Section 148.25(b), with a functional unit of the hospital, as defined in Section 148.25.(c)(2), which specializes in, and is enrolled with the

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Department to provide, physical rehabilitation service or a hospital, as defined in 89 Ill. Adm. Code 149.50(c)(2), which holds a valid license as, and is enrolled with the Department as, a physical rehabilitation hospital.

2) The primary reason for hospitalization is to provide a structured program of comprehensive rehabilitation services, furnished by specialists, to the patient with a major handicap for the purpose of habilitating or restoring the person to a realistic maximum level of functioning.

3) Inpatient rehabilitation services are not covered for Family and Children Assistance (formerly known as General Assistance) program participants who are 18 years of age or older.

4) For payment to be made, a rehabilitation facility, which includes a distinct part unit as described in Section 148.25(c)(2), must be certified by the Health Care Financing Administration for participation under the Medicare Program (Title XII) and must be licensed and/or certified by the Illinois Department of Public Health to provide comprehensive physical rehabilitation services. Out-of-state hospitals which specialize in physical rehabilitation services must be licensed and/or certified to provide comprehensive physical rehabilitation services by the authorized licensing agency in the state in which the hospital is located.

5) A rehabilitation facility must meet the following criteria:

A) Have a full-time (at least 35 hours per week) director of rehabilitation; a participating general hospital with a functional rehabilitation unit must have a part-time (at least 20 hours per week) director of rehabilitation;

B) Have an organized medical staff;

C) Have available consultants qualified to perform services in appropriate specialties;

D) Have adequate space and equipment to provide comprehensive diagnostic and treatment services;

E) Maintain records of diagnosis, treatment progress (notations must be made at regular intervals) and functional results; and

F) Submit reports as required by the Department of Public Aid.

6) A rehabilitation facility must provide, or have a contractual arrangement with an appropriate entity or agency to provide, the following minimal services:

A) Full-time nursing services under the supervision of a registered nurse formally trained in rehabilitation nursing;

B) Full-time physical therapy and occupational therapy services; and

C) Social casework services as an integral part of the rehabilitation program.

7) A rehabilitation facility must have available the following minimal services:

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- A) Psychological evaluation services;
 B) Prosthetic and orthotic services;
 C) Vocational counseling;
 D) Speech therapy;
 E) Clinical laboratory and x-ray services; and
 F) Pharmacy services.
- 8) The director of rehabilitation must meet the following criteria:
 A) Provide services to the hospital and its patients as specified in subsection (b)(5) above;
 B) Be a doctor of medicine or osteopathy;
 C) Be licensed under State law to practice medicine or surgery; and
 D) Must have, after completing a one-year hospital internship, at least two years of training or experience in the medical management of inpatients requiring rehabilitation services.
- 9) Personnel of the rehabilitation facility must meet the following minimum standards:
 A) Physicians shall have unlimited licenses to practice medicine and surgery in the state in which they practice. Consultants shall be Board Qualified or Board Certified in their specialty.
 B) Physical therapists shall be licensed by the Illinois Department of Professional Regulation.
 C) Occupational therapists shall be licensed by the Illinois Department of Professional Regulation.
 D) Registered nurses and licensed practical nurses shall be currently licensed by the Illinois Department of Professional Regulation or comparable licensing agency in the State in which the facility is located.
 E) Social workers shall have completed two years of graduate training leading to a Master's Degree in social work from an accredited graduate school of social work.
 F) Psychologists shall have a Master's Degree in clinical psychology.
 G) Vocational counselors shall have a Master's Degree in Rehabilitation Counseling, Psychology or Guidance from a school accredited by the North Central Association or its equivalent.
 H) An orthotist or prosthetist, certified by the American Board of Certification in Orthotics and Prosthetics, shall fabricate or supervise the fabrication of all limbs and braces.
- c) End-Stage Renal Disease Treatment (ESRDT) Services. The Department provides payment to hospitals, as defined in Section 148.25(b), for ESRDT services only when the hospital is Medicare certified for ESRDT and services are provided as follows:
 1) Inpatient hospital care is provided for the evaluation and treatment of acute renal disease;

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- 2) Outpatient chronic renal dialysis treatments are provided in the outpatient renal dialysis department of the hospital, a satellite unit of the hospital that is professionally associated with the center for medical direction and supervision, or a free-standing chronic dialysis center certified by Medicare, pursuant to 42 CFR Part 405, Subpart U (1994) **Subparts--S-and-Y-t19847, and the recipient is approved by the Illinois Department of Public Health (IDPH) or the Department of Health and Human Services (DHHS) as eligible for ESRDT services;** or
- 3) Home dialysis treatments are provided through the outpatient renal dialysis department of the hospital, a satellite unit of the hospital that is professionally associated with the center for medical direction and supervision, in a patient's home, or through a free-standing chronic dialysis center certified by Medicare, pursuant to 42 CFR Part 405, Subpart U (1994) **Subparts S-and-Y-t19847, and the recipient is approved by the Illinois Department of Public Health (IDPH) or the Department of Health and Human Services (DHHS) as eligible for ESRDT services.**
- d) Hospital-Based Organized Clinic Services. Hospital-based clinics, as described in Section 148.25(b)(4), must meet the requirements of 89 Ill. Adm. Code 140.161(a). The following four categories of hospital-based organized clinic services are recognized in the Medical Assistance Program:
 1) General Clinic Services. General clinic services are diagnostic, therapeutic and palliative services provided under the direction of a physician who provides for the health care needs of persons who elect to use this type of service rather than another source of primary care. In order to participate as a provider of general clinic services, a hospital must meet the following requisites:
 A) The hospital must be enrolled for participation in the Medical Assistance Program to provide general inpatient (category of service 20) and general outpatient (category of service 24) hospital services.
 B) Personnel
 i) The clinic must be organized as a distinct hospital department with a qualified, trained executive in charge of all activities and responsible to the administration of the hospital;
 ii) An advisory medical council must function to assist the executive officer in formulating policies for the management and care of clinic patients;
 iii) The qualifications of the medical staff of the clinic must meet the same requirements that apply to the hospital staff;
 iv) Nursing services must be provided by licensed nurses under the supervision of a registered professional nurse (R.N.); and

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- v) A dietician must be available to instruct the patients regarding special diets and to plan with the patients in the buying and preparation of food.

C) Program

- i) The program of the clinic must ensure the provision of comprehensive, high quality, personalized, and continuous health care services to its patients. This means that, at a minimum, the clinic must provide or contract for the services of a sufficient number of primary and specialty care physicians to meet the health needs of patients of the clinic, and must have provisions made for the back-up care of patients when the clinic is not open;

- ii) The laboratory, x-ray, and special therapy services must be available for clinic patients, as needed;

- iii) The pharmacy must be an integral part of the clinic organization; and

- iv) The medical social services in the clinic must be integrated with those in the hospital.

- D) Physical Setting and Equipment. The size, location, ventilation, and lighting of accommodations for interviewing, examining, and treating patients and appropriate equipment must be adequate to serve the number and needs of patients accepted by the clinic.

E) Records

- i) Clinic records must accurately reflect the patient's condition and contain all significant facts bearing on the case, i.e., history, symptoms and complaints, physical examination findings, laboratory and x-ray procedures, and medications ordered and their results, diagnosis, treatment given or recommended and the patient's response to treatment; and

- ii) Clinic records must contain the dates of service and the name of the medical practitioner seeing the patient at the time of each clinic visit.

2) Psychiatric Clinic Services

- A) Psychiatric Clinic Services (Type A). Type A psychiatric clinic services are clinic service packages consisting of diagnostic evaluation; individual, group and family therapy; medical control; optional Electroconvulsive Therapy (ECT); and counseling, provided in the hospital, clinic setting for individuals through the age of 21.

- B) Psychiatric Clinic Services (Type B). Type B psychiatric clinic services are active treatment programs in which the individual patient is participating in no less than social, recreational, and task-oriented activities at least four hours per day at a minimum of three half days of active treatment per week. The duration of an individual patient's

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participation in this treatment program is limited to six months in any twelve month period.

- C) Coverage. Psychiatric clinic services are covered for all Medicaid-eligible individuals. The services are not covered for Family and Children Assistance (formerly known as General Assistance) program participants who are 18 years of age or older.

- D) Approval. The Illinois Department of Mental Health and Developmental Disabilities (DMHDD) and the Illinois Department of Public Aid (IDPA) are responsible for approval and enrollment of community hospitals providing psychiatric clinic services. In order to participate as a provider of psychiatric clinic services, a hospital must be enrolled for the provision of inpatient psychiatric services and execute a Psychiatric Clinic Services Type A and B Enrollment Assurance with DMHDD and the Department, which assures that the hospital is enrolled for the provision of inpatient psychiatric services and meets the following requisites:

- i) The hospital must be accredited by, and be in good standing with, the Joint Commission on Accreditation of Health Care Organizations (JCAHO);

- ii) The hospital must have executed a Coordination of Care Agreement between the hospital and the designated Illinois Department of Mental Health and Developmental Disabilities' State-operated facility serving the mentally ill in the appropriate geographic area;

- iii) The clinical staff of the psychiatric clinic must collaborate with the mental health service network to provide discharge, linkage and aftercare planning for recipients of outpatient services;

- iv) The hospital must agree to participate in Local Area Networks in compliance with P.L. 99-660 and P.A. 86-844; and

- v) The hospital must be enrolled to participate in Medicaid program (Title XIX) and must meet all conditions and requirements set forth by the Illinois Department of Public Aid.

- E) Duration of Approval. The approval described in subsection (d)(2)(D) above shall be in effect for a period of two years from the date IDPA approves the psychiatric client's enrollment. The approval may be terminated by IDPA or DMHDD with cause upon 30 days written notice to the hospital. Accordingly, the hospital must submit a 30 day written notification to IDPA and DMHDD when terminating delivery of psychiatric clinic services.

3) Physical Rehabilitation Clinic Services

- A) Physical rehabilitation clinic services include the same rehabilitative services provided to inpatients by hospitals

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enrolled to provide the services described in Section 148.40(b). Clinic services should be utilized when the patient's condition is such that it does not necessitate inpatient care and adequate care and treatment can be obtained on an outpatient basis through the hospital's specialized clinic.

B) Physical rehabilitation clinic services are not covered for Family and Children Assistance (formerly known as General Assistance) program participants who are 18 years of age or older.

e) Healthy Moms/Healthy Kids Managed Care Clinics. Healthy Moms/Healthy Kids managed care clinics, as described in 89 Ill. Adm. Code 140.461(f) and Section 148.25(b)(5), must meet the requirements of 89 Ill. Adm. Code 140.461(f).

f) Transition to the Diagnosis Related Grouping Prospective Payment System (DRG PPS)

1) Effective with admissions occurring on or after September 1, 1991, and before October 1, 1992, hospitals shall be reimbursed in accordance with the statutes and administrative rules governing the time period when the services were rendered.

2) Effective with admissions occurring on or after October 1, 1992, hospitals that, on August 31, 1991, had a contract in effect with the Department under the Illinois Health Finance Reform Act (Ill. Rev. Stat. 1991, ch. 23, par. 6501-1 et seq.) [320 ILCS 15] and that elected, effective September 1, 1991, to be reimbursed at rates stated in such contracts, may elect to continue to be reimbursed at rates stated in such contracts for general and specialty care in accordance with subsection (g) of this Section.

3) In the case of a hospital that was determined by the Department to be a rural hospital at the beginning of the rate period described in Section 148.25(g)(2)(A), those hospitals that shall be treated as sole community hospitals, as described in 89 Ill. Adm. Code 149.125(b) shall elect one of the following payment methodologies to be used by the Department in reimbursing that hospital for inpatient services during the rate period described in Section 148.25(g)(2)(A):

A) the DRG PPS, as described in 89 Ill. Adm. Code 149, or
B) the rate calculated under Section 148.260.

4) In the case of a hospital that was not determined by the Department to be a rural hospital at the beginning of the rate period described in Section 148.25(g)(2)(A), but was subsequently reclassified by the Department as a rural hospital, as described in Section 148.25(g)(3), on July 14, 1993, those hospitals that shall be treated as sole community hospitals, as described in 89 Ill. Adm. Code 149.125(b), shall elect one of the following payment methodologies to be used by the Department in reimbursing that hospital for inpatient admissions, or, if applicable, for inpatient services provided on October 1, 1993, and for the

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duration of the rate period described in Section 148.25(g)(2)(A):
A) the DRG PPS, as described in 89 Ill. Adm. Code 149, subject to the provisions of 89 Ill. Adm. Code 149.100(c)(1), or
B) the rate calculated under Section 148.260 that would have been in effect for the rate period described in Section 148.25(g)(2)(A) if the hospital had been designated as a sole community hospital on October 1, 1992.

5) For the rate periods described in Section 148.25(g)(2)(B), hospitals, as described in 89 Ill. Adm. Code 149.125(b), shall elect one of the following payment methodologies to be used by the Department in reimbursing that hospital for inpatient admissions, or, if applicable, for inpatient services provided during such rate periods described in Section 148.25(g)(2)(B):
A) the DRG PPS, as described in 89 Ill. Adm. Code 149, subject to the provisions of 89 Ill. Adm. Code 149.100(c)(1), or
B) the rate calculated under Section 148.260.

g) Annual Irrevocable Election

1) Hospitals described in subsections (f)(2) and (f)(3) above may elect to be reimbursed under the special arrangements described in subsections (f)(2) and (f)(3) above at the beginning of each rate period.

2) Hospitals described in subsection (f)(4) above may elect to be reimbursed under the special arrangements described in subsection (f)(4) above effective with admissions, or, if applicable, with inpatient services provided, on October 1, 1993, and for the duration of the rate period described in Section 148.25(g)(2)(A).

3) Hospitals described in subsection (f)(5) above may elect to be reimbursed under the special arrangements described in subsection (f)(5) above at the beginning of each rate period described in Section 148.25(g)(2)(B).

4) Once a sole community hospital elects to be reimbursed under the DRG PPS, it may not later in that rate period elect to be classified as "exempt." Once a sole community hospital elects to be reimbursed as exempt, it may not later in that rate period elect to be reimbursed under the DRG PPS.

5) Hospitals that, on August 31, 1991, had a contract with the Department under the Illinois Health Finance Reform Act may elect to continue to be reimbursed at rates stated in such contracts for general and specialty care. Once such election has been made, the hospital may not later in that rate period year elect to be reimbursed under any other methodology.

6) Hospitals that, on August 31, 1991, had a contract with the Department under the Illinois Health Finance Reform Act and have elected to be reimbursed under the DRG PPS may not later elect to be reimbursed at rates stated in such contracts.

h) Notification of Reimbursement Methodology

1) Hospitals shall receive notification from the Department with respect to the reimbursement methodologies that shall be in

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effect for admissions occurring during the rate period.

- 2) Hospitals described in subsections (f)(2), (f)(3), (f)(4), and (f)(5) above shall receive notification of their reimbursement options accompanied by a Choice of Reimbursement form. Each hospital described in subsections (f)(2), (f)(3), (f)(4), and (f)(5) above shall have 30 days from the date of such notification to file, with the Department, the reimbursement method of choice for the rate period. In the event the Department has not received the hospital's Choice of Reimbursement form within 30 days from the date of notification, as described above, the hospital will automatically be reimbursed for the rate period under the reimbursement methodology that would have been in effect without benefit of the election described in subsection (g) above.

- 1) Zero Balance Bills. The Department requires a hospital to submit a bill for any inpatient service provided to an Illinois Medicaid eligible person, including newborns, regardless of payer. A "zero balance bill" is one on which the total "prior payments" are equal to or exceed the Department's liability on the claim. The Department requires that zero balance bills be submitted subsequent to discharge in the same manner as are other bills so that the information can be available for the maintenance of accurate patient profiles and diagnosis-related grouping (DRG) data, and information needed for calculation of disproportionate share and other rates. The provisions of this subsection apply to all hospitals regardless of the reimbursement methodology under which they are reimbursed.

(Source: Amended at 19 Ill. Reg. **10060**, effective **JUN 29 1995**)

Section 148.120 Disproportionate Share Hospital (DSH) Adjustments

Disproportionate Share Hospital (DSH) adjustments for inpatient services provided prior to October 1, 1993, shall be determined and paid in accordance with the statutes and administrative rules governing the time period when the services were rendered. The Department shall make an annual determination of those hospitals qualified for adjustments under this Section effective October 1, 1993, and each October 1, thereafter unless otherwise noted.

- a) Qualified Disproportionate Share Hospitals (DSH). For inpatient services provided on or after October 1, 1993, the Department shall make adjustment payments to hospitals which are deemed as disproportionate share by the Department. A hospital may qualify for a DSH adjustment in one of the following ways:

- 1) The hospital's Medicaid inpatient utilization rate, as defined in subsection (1)(5) of this Section, is at least one half standard deviation above the mean Medicaid utilization rate, as defined in subsection (1)(3) of this Section.
- 2) The hospital's low income utilization rate exceeds 25 per centum.

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For this alternative, payments for all patient services (not just inpatient) for Medicaid, Family and Children Assistance (formerly known as General Assistance), Aid to the Medically Indigent (AMI) and/or any local or state government-funded care, must be counted as a percentage of all net patient service revenue. To this percentage, the percentage of total inpatient charges attributable to inpatient charges for charity care (less payments for GA and AMI inpatient hospital services, and/or any local or state government-funded care) must be added.

- 3) Illinois hospitals that, on July 1, 1991, had a Medicaid inpatient utilization rate, as defined in subsection (1)(5) of this Section, that was at least the mean Medicaid inpatient utilization rate, as defined in subsection (1)(3) of this Section, and which were located in a planning area with one-third or fewer excess beds as determined by the Illinois Health Facilities Planning Board (77 Ill. Adm. Code 1100), and that, as of June 30, 1992, were located in a federally designated Health Manpower Shortage Area (42 CFR 5, 1989).

- 4) Illinois hospitals that:

- A) Have a Medicaid inpatient utilization rate, as defined in subsection (1)(5) of this Section, which is at least the mean Medicaid inpatient utilization rate, as defined in subsection (1)(3) of this Section, and
- B) Have a Medicaid obstetrical inpatient utilization rate, as defined in subsection (1)(6) of this Section, that is at least one standard deviation above the mean Medicaid obstetrical inpatient utilization rate, as defined in subsection (1)(4) of this Section.

- 5) Any children's hospital, which means a hospital devoted exclusively to caring for children. A hospital which includes a facility devoted exclusively to caring for children that is separately licensed as a hospital by a municipality shall be considered a children's hospital to the degree that the hospital's medical assistance care is provided to children.

- b) In addition, to be deemed a DSH hospital, a hospital must provide the Department, in writing, with the names of at least 2 obstetricians with staff privileges at the hospital who have agreed to provide obstetric services to individuals entitled to such services under a State Medicaid plan. In the case of a hospital located in a rural area (that is, an area outside of a Metropolitan Statistical Area, as defined by the Executive Office of Management and Budget), the term "obstetrician" includes any physician with staff privileges at the hospital to perform nonemergency obstetric procedures. This requirement does not apply to a hospital in which the inpatients are predominantly individuals under 18 years of age; or does not offer nonemergency obstetric services as of December 22, 1987. Hospitals that do not offer nonemergency obstetrics to the general public, with the exception of those hospitals described in 89 Ill. Adm. Code

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- 149.50(c)(1) through (c)(4), must submit a statement to that effect.
- c) In making the determination described in subsections (a)(1) and (a)(4)(A) above, the Department shall utilize:
- 1) The hospital's final audited cost report for the hospital's base fiscal year. Medicaid inpatient utilization rates, as defined in subsection (1)(5) of this Section, which have been derived from final audited cost reports, are not subject to the Review procedure described in Section 148.310, with the exception of errors in calculation.
 - 2) In the absence of a final audited cost report for the hospital's base fiscal year, the Department shall utilize the hospital's unaudited cost report for the hospital's base fiscal year. Due to the unaudited nature of this information, hospitals shall have the opportunity to submit a corrected cost report for the determination described in subsections (a)(1) and (a)(4)(A) above. Submittal of a corrected cost report in support of subsections (a)(1) and (a)(4)(A) above must be received no later than the first day of July preceding the DSH determination year for which the hospital is requesting consideration of such corrected cost report for the determination of DSH qualification. Corrected cost reports which are not received in compliance with these time limitations will not be considered for the determination of the hospital's Medicaid inpatient utilization rate as described in subsection (1)(5) of this Section.
 - A) Hospital's Medicaid inpatient utilization rates, as defined in subsection (1)(5) of this Section, which have been derived from unaudited cost reports, are not subject to the Review Procedure described in Section 148.310, with the exception of errors in calculation. Pursuant to subsection (c)(2) above, hospitals shall have the opportunity to submit corrected cost report information prior to the Department's final DSH determination.
 - B) In the event a subsequent final audited cost report reflects a Medicaid inpatient utilization rate, as described in subsection (1)(5) of this Section, which is lower than the Medicaid inpatient utilization rate derived from the unaudited cost report utilized for the DSH determination, the Department shall recalculate the Medicaid inpatient utilization rate based upon the final audited cost report, and recoup any overpayments made.
 - 3) Certain types of inpatient days of care provided to Title XIX recipients are not available from the cost report, i.e., Medicare/Medicaid crossover claims, out-of-state Title XIX Medicaid utilization levels, Medicaid Health Maintenance Organization (HMO) days, ~~and--inappropriate--level--of~~ hospital residing long term care days, and Department of Alcohol and Substance Abuse (DASA) Medicaid days. To obtain Medicaid utilization levels in these instances, the Department shall

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utilize:

- A) Medicare/Medicaid Crossover Claims.
- i) For DSH determination years on or after October 1, 1996, ~~the~~ the Department will utilize the Department's paid claims data adjudicated through the last day of June preceding the DSH determination year for each hospital's base fiscal year. Provider logs as described in the following subsection (c)(3)(A)(ii) will not be used in the determination process for DSH determination years on or after October 1, 1996.
 - ii) For DSH determination years prior to October 1, 1996, hospitals ~~Hospitals~~ may submit additional information to document Medicare/Medicaid crossover days that ~~which~~ were not billed to the Department due to a determination that the Department had no liability for deductible ~~and/or~~ or coinsurance amounts. ~~That this~~ information must be submitted in log form. The log must include a patient account number or medical record number, patient name, Medicaid recipient identification number, Medicare identification number, date of admission, date of discharge, the number of covered days, and the total number of Medicare/Medicaid crossover days. ~~That this~~ log must include all Medicare/Medicaid crossover days billed to the Department and all Medicare/Medicaid crossover days which were not billed to the Department for services provided during the hospital's base fiscal year. If a hospital does not submit a log of Medicare/Medicaid crossover days that meets the above requirements, the Department will utilize the Department's paid claims data adjudicated through the last day of June preceding the DSH determination year for the hospital's applicable base fiscal year.
 - B) Out-of-state Title XIX Utilization Levels. Hospital statements and verification reports from other states will be required to verify out-of-state Medicaid recipient utilization levels. The information submitted must include only those days of care provided to out-of-state Medicaid recipients during the hospital's base fiscal year.
 - C) HMO days. The Department will utilize the Department's HMO claims data available to the Department as of the last day of June preceding the DSH determination year for each hospital's base fiscal year to determine the number of inpatient days provided to recipients enrolled in an HMO.
 - D) Hospital Residing Long Term Care Days. The Department will utilize the Department's paid claims data adjudicated through the last day of June preceding the DSH determination year for each hospital's base fiscal year to determine the

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number of hospital residing long term care inappropriate level of care days provided to recipients.

- E) DASA Days. The Department will utilize the Department's DASA paid claims data available to the Department as of the last day of June preceding the DSH determination year for each hospital's base fiscal year to determine the number of inpatient DASA days provided.

- d) Hospitals may apply for DSH status under subsection (a)(2) by submitting an audited certified financial statement for the hospital's base fiscal year. The Department of Mental Health and Developmental Disabilities must submit a statement, signed by the Director of that agency, certifying the accuracy of the data submitted for facilities operated by that agency. The ~~audited--certified--financial--statement~~ statements must contain the following breakdown of information prior to submittal to the Department for consideration:

- 1) Total hospital net revenue for all patient services, both inpatient and outpatient, for the hospital's base fiscal year.
- 2) Total payments received directly from State and local governments for all patient services, both inpatient and outpatient, for the hospital's base fiscal year.
- 3) Total gross inpatient hospital charges for charity care (this must not include contractual allowances, bad debt or discounts, except contractual allowances and discounts for Family and Children Assistance, formerly known as General Assistance, and AMI patients), for the hospital's base fiscal year.

- 4) Total amount of the hospital's gross charges for inpatient hospital services for the hospital's base fiscal year.

- e) With the exception of cost-reporting children's hospitals in contiguous states that provide 100 or more inpatient days of care to Illinois program participants, only those cost-reporting hospitals located in states contiguous to Illinois that qualify for DSH in the state in which they are located based upon the Federal definition of a DSH hospital, as defined in Section 1923(b)(1) of the Social Security Act, may qualify for DSH hospital adjustments under this Section. For purposes of determining the Medicaid inpatient utilization rate, as described in subsection (1)(5) of this Section and as required in Section 1923(b)(1) of the Social Security Act, out-of-state hospitals will be measured in relationship to one standard deviation above the mean Medicaid inpatient utilization rate in their state. Out-of-state hospitals that do not qualify by the Medicaid inpatient utilization rate from their state may submit an audited certified financial statement as describe in subsection (d) above. Payments to out-of-state hospitals will be allocated using the same methods as described in subsection (g).

- f) Time Limitation Requirements for Additional Information.

- 1) The information required in subsections (a)(2), (c), (d) and (e) must be received no later than the first day of July preceding the DSH determination year for which the hospital is requesting

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consideration of such information for the determination of DSH qualification. Information required in this Section which is not received in compliance with these limitations will not be considered for the determination of those hospitals qualified for DSH adjustments.

- 2) The information required in subsection (b) must be received within 30 calendar days after receipt of notification from the Department that the information must be submitted. Information required in this Section which is not received in compliance with these limitations will not be considered for the determination of those hospitals qualified for DSH adjustments.

- g) Inpatient Payment Adjustments to DSH. The adjustment payments required by subsection (a) above shall be calculated annually as follows:

- 1) Five Million Dollar Fund Adjustment for hospitals defined in Section 148.25(b)(1).

- A) Hospitals qualifying as DSH hospitals under subsection (a)(1) that have a Medicaid inpatient utilization rate, as described in subsection (1)(5) of this Section, which is at least one standard deviation above the mean Medicaid inpatient utilization rate, as described in subsection (1)(3) of this Section, and hospitals qualifying as DSH hospitals under subsection (a)(2) of this Section will receive an add-on payment to their inpatient rate.

- B) The distribution method for the add-on payment described in subsection (g)(1)(A) above is based upon a fund of \$5 million. All hospitals qualifying under subsection (g)(1)(A) above will receive a \$5 per day add-on to their current rate. The total cost of this adjustment is calculated by multiplying each hospital's most recent completed fiscal year Medicaid inpatient utilization data (adjusted based upon historical utilization and projected increases in utilization) by \$5. The total dollar amount of this calculation is then subtracted from the \$5 million fund.

- C) The remaining fund balance is then distributed to the hospitals that qualify under subsection (a)(1) that have a Medicaid inpatient utilization rate, as described in subsection (1)(5) of this Section, which is at least one standard deviation above the mean Medicaid inpatient utilization rate, above in proportion to the percentage by which the hospital's Medicaid inpatient utilization rate exceeds one standard deviation above the State's Medicaid inpatient utilization rate, as described in subsection (1)(3) of this Section. This is done by finding the ratio of each hospital's percent Medicaid utilization to the State's mean plus one standard deviation percent Medicaid value. These ratios are then summed and each hospital's

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proportion of the total is calculated. These proportional values are then multiplied by each hospital's most recent completed fiscal year Medicaid inpatient utilization data (adjusted based upon historical utilization and projected increases in utilization). These weighted values are summed and each hospital's proportion of the summed weighted value is calculated. Each individual hospital's proportional value is then multiplied against the \$5 million pool of money available after the \$5 per day base add-on has been subtracted.

- D) The total dollar amount calculated for each qualifying hospital under subsection (g)(1)(C) above, plus the initial \$5 per day add-on amount calculated for each qualifying hospital under subsection (g)(1)(B) above, is then divided by the Medicaid inpatient utilization data (adjusted based upon historical utilization and projected increases in utilization) to arrive at per day add-on value. Hospitals qualifying under subsection (a)(2), will receive the minimum adjustment of \$5 per inpatient day. The adjustments calculated under this subsection are subject to the limitations described in subsection (k) of this Section.
- 2) Medicaid Percentage Adjustment for hospitals defined in Section 148.25(b)(1).

A) In addition to the adjustment methodology described in subsection (g)(1) above, all DSH hospitals described in subsection (a)(1), (2), (3), (4), and (5) shall receive a payment adjustment which shall be calculated annually as follows:

B) The payment adjustment shall be calculated based upon the hospital's Medicaid inpatient utilization rate, as defined in subsection (1)(5) of this Section, and subject to subsections (h), (i), and (j) below, as follows:

- i) Hospitals with a Medicaid inpatient utilization rate below the mean Medicaid inpatient utilization rate shall receive a payment adjustment of \$25;
- ii) Hospitals with a Medicaid inpatient utilization rate that is equal to or greater than the mean Medicaid inpatient utilization rate but less than one standard deviation above the mean Medicaid inpatient utilization rate shall receive a payment adjustment of \$75 plus \$1 for each one percent that the hospital's Medicaid inpatient utilization rate exceeds the mean Medicaid inpatient utilization rate;
- iii) Hospitals with a Medicaid inpatient utilization rate that is equal to or greater than one standard deviation above the mean Medicaid inpatient utilization rate but less than 1.5 standard deviations above the mean Medicaid inpatient utilization rate

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shall receive a payment adjustment of \$40 plus \$7 for each one percent that the hospital's Medicaid inpatient utilization rate exceeds one standard deviation above the mean Medicaid inpatient utilization rate; and

- iv) Hospitals with a Medicaid inpatient utilization rate that is equal to or greater than 1.5 standard deviations above the mean Medicaid inpatient utilization rate shall receive a payment adjustment of \$90 plus \$2 for each one percent that the hospital's Medicaid inpatient utilization rate exceeds one standard deviation above the mean Medicaid inpatient utilization rate.

C) For county-owned hospitals, as described in Section 148.25(b)(1)(A), or a hospital organized under the University of Illinois Hospital Act, as described in Section 148.25(b)(1)(B), the amount calculated pursuant to subsection (g)(2)(B) ~~†††††~~ above shall be increased by \$60 per day.

D) The Medicaid percentage adjustment payment, calculated in accordance with this subsection (g)(2), to a hospital, other than county-owned hospitals, as described in Section 148.25(b)(1)(A), or hospital and/or hospitals organized under the University of Illinois Hospital Act, as described in Section 148.25(b)(1)(B), shall not exceed \$155 per day for a children's hospital, as described in subsection (a)(5) of this Section, and shall not exceed \$215 per day for all other hospitals.

E) The amount calculated pursuant to subsections (g)(2)(B) ~~†††††~~ through (g)(2)(D) ~~†††††~~ above shall be adjusted on October 1, 1993, and annually thereafter by a percentage equal to the lesser of:

- i) The increase in the national hospital market basket price proxies (DRI) hospital cost index for the most recent 12 month period for which data are available;

or

- ii) The percentage increase in the statewide average hospital payment rate, as described in subsection (1)(8) of this Section, over the previous year's statewide average hospital payment rate.

F) The amount calculated pursuant to subsections (g)(1) and (g)(2)(B) ~~†††††~~ through (g)(2)(E) ~~†††††~~ above for hospitals described in Section 148.25(b)(1)(A) shall be no less than the DSH rates in effect on June 1, 1992, except that this minimum shall be adjusted on the first day of July of each year by the annual percentage change in the per diem cost of inpatient hospital services as reported on the two most recent annual Medicaid cost reports. The per diem cost

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of inpatient hospital services is calculated by dividing the total allowable Medicaid costs by the total allowable Medicaid days.

(g)(1) The amount calculated pursuant to subsections (g)(1) and (g)(2)(B) ~~that~~ through (g)(2)(E) ~~that~~ above, as adjusted pursuant to subsections (h), (i), and (j) below, shall be the inpatient payment adjustment in dollars for the applicable DSH determination year, subject to the limitations described in subsections (g)(2)(D) ~~that~~ and (k) of this Section, and the adjustment described in subsection (g)(2)(E) ~~that~~ above. The adjustments calculated under subsections (g)(1) and (g)(2)(B) ~~that~~ through (g)(2)(E) ~~that~~ of this Section shall be paid on a per diem basis and shall be applied to each covered day of care provided.

3) DMHDD State-Operated Facility Adjustment for hospitals defined in Section 148.25(b)(6). Department of Mental Health and Developmental Disabilities (DMHDD) State-operated facilities qualifying under subsection (a)(2) shall receive an adjustment for inpatient services provided on or after March 1, 1995. The amount of that payment shall be calculated as follows:

A) The amount of the adjustment is based on a State DSH Pool. The State DSH Pool amount shall be calculated by subtracting the estimated DSH payment adjustments made under subsection (g)(1) through (g)(2) above and Sections 148.160(f)(2) and 148.170(f)(2) from the aggregate DSH payment adjustment set by the Health Care Financing Administration (HCFA) in accordance with Public Law 102-234.

B) The State DSH Pool amount is then allocated to hospitals defined in Section 148.25(b)(6) that qualify for DSH adjustments by multiplying the State DSH Pool amount by each hospital's ratio of Medicaid inpatient utilization (adjusted based upon historical utilization and projected increases in utilization) to the sum of all qualifying hospitals' Medicaid inpatient utilization.

C) The adjustment calculated in (g)(3)(B) above shall meet the limitation described in subsection (k)(4).

D) The adjustment calculated pursuant to subsection (g)(3)(B) above, for each hospital defined in Section 148.25(b)(6) that qualifies for DSH adjustments, is then divided by the Medicaid inpatient utilization data (adjusted based upon historical utilization and projected increases in utilization) to arrive at a per day adjustment. This amount is subject to the limitations described in subsection (k) of this Section. The adjustment described in this subsection shall be paid on a per diem basis and shall be applied to each Medicaid covered day of care provided.

h) Inpatient Adjuster for Children's Hospitals. For a children's

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hospital, as defined in subsection (a)(5) of this Section, the payment adjustment calculated under subsection (g)(2) above shall be multiplied by 2.0.

i) Inpatient Adjustor County-Owned Hospitals. For county-owned hospitals, defined in Section 148.25(b)(1)(A), the payment adjustment calculated under subsection (g)(2) above shall be multiplied by 3.75.

j) Inpatient Adjustor for Hospitals Organized Under the University of Illinois Hospital Act. For a hospital and/or hospitals organized under the University of Illinois Hospital Act, as defined in Section 148.25(b)(1)(B), the payment adjustment calculated under subsection (g)(2) above shall be multiplied by 1.50 ~~3.75~~.

k) DSH Adjustment Limitations.

1) Hospitals that qualify for DSH adjustments under this Section shall not be eligible for the total DSH adjustment if, during the DSH determination year, the hospital discontinues the provision of non-emergency obstetrical care (the provisions of this subsection shall not apply to those hospitals described in 89 Ill. Adm. Code 149.50(c)(1) through (c)(4) or those hospitals that have not offered nonemergency obstetric services as of December 22, 1987). In this instance, the adjustments calculated under subsections (g)(1) and (g)(2) shall cease effective on the date that the hospital discontinued the provision of such non-emergency obstetrical care.

2) Inpatient Payment Adjustments based upon DSH Determination Reviews. Appeals based upon a hospital's ineligibility for DSH payment adjustments, or their payment adjustment amounts, in accordance with Section 148.310(b), which result in a change in a hospital's eligibility for DSH payment adjustments or a change in a hospital's payment adjustment amounts, shall not affect the DSH status of any other hospital or the payment adjustment amount of any other hospital that has received notification from the Department of their eligibility for DSH payment adjustments based upon the requirements of this Section.

3) DSH Payment Adjustment cap. In accordance with Public Law 102-234, if the aggregate DSH payment adjustments calculated under this Section exceed do not meet the State's final DSH Allotment as determined by the Health Care Financing Administration (HCFA), DSH payment adjustments calculated under this Section shall be adjusted in-proportion to meet the lesser State DSH Allotment. This adjustment shall first be applied to DSH payments made under subsection (g)(3) above. If further adjustments are necessary, then DSH payments made under subsection (g)(2) above shall be adjusted, with the DSH payments under subsection (g)(1) being adjusted last.

4) Omnibus Budget Reconciliation Act of 1993 (OBRA '93) Adjustments. In accordance with Public Law 103-66, adjustments to individual hospitals' disproportionate share payments shall be made if the sum of Medicaid payments (inpatient, outpatient, and

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disproportionate share) made to a hospital exceed the costs of providing services to Medicaid clients and persons without insurance. The adjustments shall reduce disproportionate share spending until the costs and spending (described in the previous sentence) are equal or until the disproportionate share payments are reduced to zero. In this calculation, persons without insurance costs do not include contractual allowances. Hospitals qualifying for DSH payment adjustments must submit the information required in Section 148.150.

- 5) Medicaid Inpatient Utilization Rate Limit. Hospitals that qualify for DSH payment adjustments under this Section shall not be eligible for DSH payment adjustments if the hospital's Medicaid inpatient utilization rate, as defined in subsection (1)(5), is less than one percent.

- 1) Inpatient Payment Adjustment Definitions. The definitions of terms used with reference to calculation of the inpatient payment adjustments are as follows:

- 1) "Base fiscal year" means, for example, the hospital's fiscal year ending in 1991 for the October 1, 1993 DSH determination year, the hospital's fiscal year ending in 1992 for the October 1, 1994 DSH determination year, etc.
- 2) "DSH determination year" means the 12 month period beginning on October 1 of the year and ending September 30 of the following year.

- 3) "Mean Medicaid inpatient utilization rate" means a fraction, the numerator of which is the total number of inpatient days provided in a given 12-month period by all Medicaid-participating Illinois hospitals to patients who, for such days, were eligible for Medicaid under Title XIX of the Federal Social Security Act (42 U.S.C. Sec. 1396a et seq.), and the denominator of which is the total number of inpatient days provided by those same hospitals. Title XIX specifically excludes days of care provided to Family and Children Assistance (formerly known as General Assistance) and Aid to the Medically Indigent (AMI) days but does include the types of days described in subsection (c)(3) of this Section. In this paragraph, the term "inpatient day" includes each day in which an individual (including a newborn) is an inpatient in the hospital whether or not the individual is in a specialized ward and whether or not the individual remains in the hospital for lack of suitable placement elsewhere.

- 4) "Mean Medicaid obstetrical inpatient utilization rate" means a fraction, the numerator of which is the total Medicaid (Title XIX) obstetrical inpatient days, as defined in subsection (1)(7) below, provided by all Medicaid-participating Illinois hospitals providing obstetrical services to patients who, for such days, were eligible for Medicaid under Title XIX of the Federal Social Security Act (42 U.S.C. Sec. 1396a et seq.), and the denominator of which is the total Medicaid (Title XIX) inpatient days, as

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defined in subsection (1)(9) below, for all such hospitals. That information shall be derived from claims for applicable services provided in the Medicaid obstetrical inpatient utilization rate base year which were subsequently adjudicated by the Department through the last day of June preceding the DSH determination year and contained within the Department's paid claims data base.

- 5) "Medicaid inpatient utilization rate" means a fraction, the numerator of which is the number of a hospital's inpatient days provided in a given 12-month period to patients who, for such days, were eligible for Medicaid under Title XIX of the federal Social Security Act (42 U.S.C. Sec. 1396a et seq.) and the denominator of which is the total number of the hospital's inpatient days in that same period. Title XIX specifically excludes days of care provided to Family and Children Assistance (formerly known as General Assistance) and Aid to the Medically Indigent (AMI) days but does include the types of days described in subsection (c)(3) of this Section. In this paragraph, the term "inpatient day" includes each day in which an individual (including a newborn) is an inpatient in the hospital whether or not the individual is in a specialized ward and whether or not the individual remains in the hospital for lack of suitable placement elsewhere.

- 6) "Medicaid obstetrical inpatient utilization rate" means a fraction, the numerator of which is the Medicaid (Title XIX) obstetrical inpatient days, as defined in subsection (1)(7) below, provided by a Medicaid-participating Illinois hospital providing obstetrical services to patients who, for such days, were eligible for Medicaid under Title XIX of the federal Social Security Act (42 U.S.C. Sec. 1396a et seq.), and the denominator of which is the total Medicaid (Title XIX) inpatient days, as defined in subsection (1)(9) below provided by such hospital. This information shall be derived from claims for applicable services provided in the Medicaid obstetrical inpatient utilization rate base year which were subsequently adjudicated by the Department through the last day of June preceding the DSH determination year and contained within the Department's paid claims data base.

- 7) "Medicaid (Title XIX) obstetrical inpatient days" means hospital inpatient days which were subsequently adjudicated by the Department through the last day of June preceding the DSH determination year and contained within the Department's paid claims data base, for recipients of medical assistance under Title XIX of Social Security Act, with an ICD-9-CM principal diagnosis code of 640.0 through 648.9 with a 5th digit of 1 or 2; 650; 651.0 through 659.9 with a 5th digit of 1, 2, 3, or 4; 660.0 through 669.9 with a 5th digit of 1, 2, 3, or 4; 670.0 through 676.9 with a 5th digit of 1 or 2; or V27 through V27.9; or V30 through V39.9; or any ICD-9-CM principal diagnosis code that is

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accompanied with a surgery procedure code between 72 and 75.99; ~~within the ranges of 650 and 669 which result in childbirth~~ and specifically excludes Medicare/Medicaid crossover claims.

- 3) "Statewide average hospital payment rate" means the hospital's alternative reimbursement rate, as defined in Section 148.270(a).
- 9) "Total Medicaid (Title XIX) inpatient days", as referred to in subsections (1)(4) and (1)(6) above, means hospital inpatient days, excluding days for normal newborns, which were subsequently adjudicated by the Department through the last day of June preceding the DSH determination year and contained within the Department's paid claims data base, for recipients of medical assistance under Title XIX of the Social Security Act, and specifically excludes Medicare/Medicaid crossover claims.
- 20) "Medicaid obstetrical inpatient utilization rate base year" means, for example, state fiscal year 1992 for the October 1, 1993, DSH determination year; state fiscal year 1993 for the October 1, 1994, DSH determination year, etc.

(Source: Amended at 19 Ill. Reg. 10060, effective JUN 29 1995)

Section 148.130 Outlier Adjustments for Exceptionally Costly Stays

- a) Outlier Adjustments. Outlier adjustments are provided for exceptionally costly stays provided by hospitals or distinct part units reimbursed on a per diem basis or hospitals reimbursed in accordance with Section 148.82(g).
- b) The determination of those services qualified for an outlier adjustment shall be made as follows for services provided on and after October 1, 1992, and for each subsequent rate period, as defined in Section 148.25(g)(2)(B), for hospitals or distinct part units reimbursed on a per diem basis or hospitals reimbursed in accordance with Section 148.82(g):
 - 1) The services must have been provided on or after October 1, 1992; and
 - 2) The services must have been provided to:
 - A) Children who have not attained the age of six years by hospitals defined by the Department as DSH hospitals under Section 148.120(a); or
 - B) Infants who have not attained the age of one year by hospitals that do not meet the definition of a DSH hospital under Section 148.120.
- 3) Claims with total covered charges equal to or above the mean total covered charges plus one standard deviation shall be considered for outlier adjustments once the following calculations have been performed:
 - A) Total covered charges (less charges attributable to medical education) equal to or exceeding one standard deviation

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above the mean shall be multiplied by the hospital's cost to charge ratio.

- B) The hospital's rate for services provided on the claim shall be multiplied by the number of covered days on the claim.
- C) The product of subsection (3) (B) above shall be subtracted from the product of (A) above.
- D) The difference of subsection (3) (C) above shall be multiplied by .25, the product of which shall be the outlier adjustment for the claim.
- E) Third party payments (credits) shall be applied to the final payment made on the claim.
- c) The determination of those services qualified for an outlier adjustment shall be made in accordance with 89 Ill. Adm. Code 149.105 for hospitals reimbursed on a per case basis.
- d) Definition of terms relating to outlier adjustments are as follows:
 - 1) "Base fiscal year" means the hospital's fiscal year cost report most recently audited by the Department.
 - 2) "Cost to Charge Ratio" means the hospital's Medicaid total allowable cost for all care divided by the Medicaid total covered charges for all care. The Cost to Charge Ratio is derived by utilizing cost report data from the hospital's base fiscal year.
 - 3) "Mean total covered charges" means the mean total covered charges (as described in subsection (5) below), for services provided in the most recent state fiscal year for which complete information is available and which have been adjudicated by the Department, as follows:
 - A) For hospitals that do not meet the definition of a DSH hospital under Section 148.120(a) in the DSH determination year, the mean total covered charges for all claims for inpatient services provided to individuals under the age of one year; and
 - B) For hospitals defined by the Department as DSH hospitals under Section 148.120(a) in the DSH determination year, the mean total covered charges for all claims for inpatient services provided to individuals under the age of six years.
 - 4) "Rate for services provided" means the inpatient rate in effect for the type of services provided.
 - 5) "Total covered charges" means the amount entered on the UB-82 or UB-92 Uniform Billing Form for revenue code 001 in column 53 (Total Charges).

(Source: Amended at 19 Ill. Reg. 10060, effective JUN 29 1995)

Section 148.140 Hospital Outpatient and Clinic Services

- a) Fee-For-Service Reimbursement
 - 1) Reimbursement for hospital outpatient hospital-based and clinic

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services shall be made on a fee for service basis, except for:

- A) Those services that meet the definition of the Hospital Ambulatory Care Program as described in subsection (b) of this Section, which shall be reimbursed in accordance with subsections (b)(4) and (b)(5) of this Section, and adjusted in accordance with subsection (b)(7) of this Section; and
 - B) ESRDT services, as described in subsection (c) of this Section, which shall be reimbursed in accordance with subsection (c) of this Section, and adjusted in accordance with subsection (c)(5) of this Section; and
 - C) Those services provided by a Certified Pediatric Ambulatory Care Center (CPACC), as described in 89 Ill. Adm. Code 140.461(f)(1)(D) and Section 148.25(b)(5)(D), which shall be reimbursed in accordance with 89 Ill. Adm. Code 140.464(b).
- 2) Fee-for-service reimbursement levels shall be at the lower of the hospital's usual and customary charge to the public or the Department's statewide maximum reimbursement screens. Hospitals will be required to bill the Department utilizing specific service codes. However, all specific client coverage policies (relating to client eligibility and scope of services available to those clients) which pertain to the service billed are applicable to hospitals in the same manner as to non-hospital providers who bill fee for service.
- 3) With respect to those hospitals described in Section 148.25(b)(2)(A), the reimbursement rate described in subsection (a)(2) above shall be adjusted on a retrospective basis. The retrospective adjustment shall be calculated as follows:
 - A) The reimbursement rates described in subsection (a)(2) above shall be no less than the reimbursement rates in effect on June 1, 1992, except that this minimum shall be adjusted on the first day of July of each year by the annual percentage change in the per diem cost of inpatient hospital services as reported on the two most recent annual Medicaid cost reports.
 - B) The per diem cost of inpatient hospital services shall be calculated by dividing the total allowable Medicaid costs by the total allowable Medicaid days.
 - 4) Healthy Moms/Healthy Kids rates, as described in 89 Ill. Adm. Code 140 Table M, shall be paid to Certified Hospital Ambulatory Primary Care Centers (CHAPCC), as described in 89 Ill. Adm. Code 140.461(f)(1)(A) and Section 148.25(b)(5)(A), Certified Hospital Organized Satellite Clinics (CHOSC), as described in 89 Ill. Adm. Code 140.461(f)(1)(B) and Section 148.25(b)(5)(B), and Certified Obstetrical Ambulatory Care Centers (COBACC), as described in 89 Ill. Adm. Code 140.461(f)(1)(C) and Section 148.25(b)(5)(C). Healthy Moms/Healthy Kids rates shall also be paid to Certified Pediatric Ambulatory Care Centers (CPACC), as described in 89 Ill. Adm. Code 140.461(f)(1)(D) and Section 148.25(b)(5)(D), for

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covered services as described in 89 Ill. Adm. Code 140.462(e)(3), that are provided to non-assigned Healthy Moms/Healthy Kids program clients, as described in 89 Ill. Adm. Code 140.464(b)(1).

- 5) Certified Pediatric Ambulatory Care Centers (CPACC), as described in 89 Ill. Adm. Code 140.461(f)(1)(D) and Section 148.25(b)(5)(D), shall be reimbursed in accordance with 89 Ill. Adm. Code 140.464(b)(2) for assigned clients.

- b) Hospital Ambulatory Care Program
 - Effective April 1, 1986, the Department liberalized the list of allowable ambulatory procedures to add many surgical, diagnostic and highly technical treatment procedures that can be performed and reimbursed on an ambulatory basis.

1) Hospital Ambulatory Care Groupings

Under the Hospital Ambulatory Care Program, a Hospital Ambulatory Care list was developed that defines those technical procedures that require the use of the hospital outpatient or hospital-based clinic setting, its technical staff and/or equipment. These procedures were separated into four separate groupings based upon the complexity and historical costs of the procedures. The four separate groupings are as follows:

- A) Group I procedures are high level technology surgeries that consume many hospital resources and are costly to deliver.
 - B) Group II procedures are certain nonsurgical, very high level technology services recognized and approved by the Department as safe outpatient procedures.
 - C) Group III procedures are other surgical, specialized cardiac and diagnostic procedures.
 - D) Group IV procedures are specialized treatment procedures, observation services, high risk, and emergency room services.
- 2) Hospital Ambulatory Care List Updating
- The Hospital Ambulatory Care List is updated periodically. As technology changes, so do the procedures that fall into the four categories. In addition, annual changes in the ICD-9-CM procedure codes and their meanings necessitate annual changes to the Hospital Ambulatory Care List.

- 3) Hospital Ambulatory Care Reimbursement Prior to July 1, 1995

October-17-1993

Reimbursement for Hospital Ambulatory Care procedures was initially developed in 1986. For each of the four separate groupings identified in subsection (b)(1) above, a set rate maximum has been developed based upon the complexity of the procedures, historical costs, and teaching status of the hospital, the type of hospital, and the setting in which the procedure would most likely be performed (i.e., outpatient department, general clinic department, psychiatric clinic department, or rehabilitation clinic department). These set rate maximums have been periodically adjusted since 1986 based upon

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does comply with such requirements on or before November 1, 1993, shall be ineligible for outpatient indigent volume adjustments for outpatient services provided on or after October 1, 1993, and on or before December 31, 1993, but shall be eligible for outpatient on or after January 1, 1994, and on or before September 30, 1994.

iv) Effective with outpatient services provided on or after October 1, 1994, as a condition of eligibility for outpatient indigent volume adjustments, hospitals that did not comply with the date requirement described in Section 148.150(c) shall be required to submit by the first day of October of each year the data described in 148.150(c) in addition to the data required under 148.150(d). A hospital that does not comply with these data requirements by the first day of October of each year shall be ineligible for outpatient indigent volume adjustments for the rate period.

3) Outpatient indigent volume adjustment definitions--the definitions of terms used with reference to calculation of the outpatient indigent volume adjustments are as follows:

ii) "Base fiscal year" means, for example, the hospital's fiscal year ending in 1991 for the October 1, 1993 outpatient indigent volume determination year; the hospital's fiscal year ending in 1992 for the October 1, 1994 outpatient indigent volume determination year; etc.

iii) "Medicaid inpatient utilization rate" means the percent of Medicaid inpatient utilization as determined in accordance with Section 148.120.

iii) "Rate period" means, for dates of service on or after October 1, 1993, the twelve-month period beginning on October 1 of the year and ending on September 30 of the following year.

iv) "Uncompensated care base year" means August 1 through July 31 of each year beginning with the initial August 1, 1990, through July 31, 1991, base year.

v) "Uncompensated care utilization rate" means the percent of uncompensated care determined in accordance with Section 148.150 in the uncompensated care base year.

5) 6) No Year-End Reconciliation

With the exception of the retrospective rate adjustment described in subsection (b)(6) of this Section, no year-end reconciliation is made to the reimbursement rates calculated under subsection (b).

5) 7) Rate Adjustments

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With respect to those hospitals described in Sections 148.25(b)(2)(A), the reimbursement rates described in subsection (b)(4) above shall be adjusted on a retrospective basis. The retrospective adjustment shall be calculated as follows:

A) The reimbursement rates described in subsection (b)(4) above shall be no less than the reimbursement rates in effect on June 1, 1992, except that this minimum shall be adjusted on the first day of July of each year by the annual percentage change in the per diem cost of inpatient hospital services as reported on the two most recent annual Medicaid cost reports.

B) The per diem cost of inpatient hospital services shall be calculated by dividing the total allowable Medicaid costs by the total allowable Medicaid days.

2) 8) Services are available to all clients in geographic areas in which an encounter rate hospital or a county-operated outpatient facility is located. All specific client coverage policies (relating to client eligibility and scope of services available to those clients) which pertain to the service billed are applicable to hospitals reimbursed under the Ambulatory Care Program in the same manner as to encounter rate hospitals and to non-hospital and hospital providers who bill and receive reimbursement on a fee-for-service basis.

3) 9) Hospitals described in Sections 148.25(b)(2)(A) and (b)(2)(B) shall be required to submit outpatient cost reports to the Department within 90 days after the close after the facility's fiscal year.

c) Payment for outpatient end-stage renal disease treatment (ESRDT) services provided pursuant to Section 148.40(c) shall be made at the Department's payment rates, as follows:

1) For inpatient hospital services provided pursuant to Section 148.40(c)(1), the Department shall reimburse hospitals pursuant to Sections 148.240 through 148.300 and 89 Ill. Adm. Code 149.

2) For outpatient services or home dialysis treatments provided pursuant to Sections 148.40(c)(2) or 148.40(c)(3), the Department will reimburse hospitals and clinics for ESRDT services at a rate which will reimburse the provider for the dialysis treatment and all related supplies and equipment, as defined in 42 CFR 405.2163-405.2310 (1994) (1984). This rate will be that rate established by Medicare pursuant to 42 CFR 405.2124 405.439 and 405.2130 405.441 (1994) (1984).

3) Payment for non-routine services. For services which are provided during outpatient or home dialysis treatment pursuant to Sections 148.40(c)(2) or 148.40(c)(3) but are not defined as a routine service under 42 CFR 405.2163 405.2310 (1994) (1984), separate payment will be made to independent laboratories, pharmacies, and medical supply providers pursuant to 89 Ill. Adm. Code 140.430 through 140.434, 140.440 through 140.450, and

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140.475 through 140.481, respectively.

4) Payment for physician services relating to ESRDT will be made separately to physicians, pursuant to 89 Ill. Adm. Code 140.400.

5) With respect to those hospitals described in Section 148.25(b)(2)(A), the reimbursement rates described in this subsection (c) shall be adjusted on a retrospective basis. The retrospective adjustment shall be calculated as follows:

A) The reimbursement rates described in this subsection (c) shall be no less than the reimbursement rates in effect on June 1, 1992, except that this minimum shall be adjusted on the first day of July of each year by the annual percentage change in the per diem cost of inpatient hospital services as reported on the two most recent annual Medicaid cost reports.

B) The per diem cost of inpatient hospital services shall be calculated by dividing the total allowable Medicaid costs by the total allowable Medicaid days.

6) With the exception of the retrospective rate adjustment described in subsection (c)(5) above, no year-end reconciliation is made to the reimbursement rates calculated under this subsection (c).

7) Hospitals described in Sections 148.25(b)(2)(A) and 148.25(b)(2)(B) shall be required to submit outpatient cost reports to the Department within 90 days after the close of the facility's fiscal year.

d) Non Hospital Based Clinic Reimbursement

1) County-Operated Outpatient Facility Reimbursement

Reimbursement for all services provided by county-operated outpatient facilities, as described in Section 148.25(b)(2)(C), that do not qualify as Healthy Moms/Healthy Kids Managed Care clinics, as described in 89 Ill. Adm. Code 140.46(f), shall be on an all-inclusive per encounter rate basis as follows:

A) Base Rate. The per encounter base rate shall be calculated as follows:

i) Allowable direct costs shall be divided by the number of direct encounters to determine an allowable cost per encounter delivered by direct staff.

ii) The resulting quotient, as calculated in subsection (d)(1)(A)(i) above, shall be multiplied by the Medicare allowable overhead rate factor to calculate the overhead cost per encounter.

iii) The resulting product, as calculated in subsection (d)(1)(A)(ii) above, shall be added to the resulting quotient, as calculated in subsection (d)(1)(A)(i) above to determine the per encounter base rate.

iv) The resulting sum, as calculated in subsection (d)(1)(A)(iii) above, shall be the per encounter base rate.

B) Supplemental Rate

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i) The supplemental service cost shall be divided by the total number of direct staff encounters to determine the direct supplemental service cost per encounter.

ii) The supplemental service cost shall be multiplied by the allowable overhead rate factor to calculate the supplemental overhead cost per encounter. The

~~allowable overhead rate factor is calculated by dividing the product derived in subsection (d)(1)(B)(i) above by the quotient derived in subsection (d)(1)(B)(ii) above.~~

iii) The quotient derived in subsection (d)(1)(B)(i) above, shall be added to the product derived in subsection (d)(1)(B)(ii) above, to determine the per encounter supplemental rate.

iv) The resulting sum, as described in subsection (d)(1)(B)(iii) above, shall be the per encounter supplemental rate.

C) Final Rate

i) The per encounter base rate, as described in subsection (d)(1)(A)(iv), shall be added to the per encounter supplemental rate, as described in subsection (d)(1)(B)(iv), to determine the per encounter final rate.

ii) The resulting sum, as determined in subsection (d)(1)(C)(i) above, shall be the per encounter final rate.

iii) The per encounter final rate, as described in subsection (d)(1)(C)(ii) above, shall be adjusted in accordance with subsection (d)(2)(A) below.

2) Rate Adjustments

In the case of encounter rate hospitals described in Sections 148.25(b)(2)(A), 148.25(b)(2)(B), and 148.25(b)(2)(D), rate adjustments to the per encounter final rate, as described in subsection (d)(1)(C)(iii) above, shall be calculated as follows:

A) The reimbursement rates described in subsections (d)(1)(A) and (d)(1)(C) of this Section shall be no less than the reimbursement rates in effect on June 1, 1992, except that this minimum shall be adjusted on the first day of July of each year by the annual percentage change in the per diem cost of inpatient hospital services as reported on the two most recent annual Medicaid cost reports. The per diem cost of inpatient hospital services shall be calculated by dividing the total allowable Medicaid costs by the total allowable Medicaid days.

B) The per diem cost of inpatient hospital services shall be calculated by dividing the total allowable Medicaid costs by the total allowable Medicaid days.

3) County-operated outpatient facilities, as described in Section

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148.25(b)(2)(C), shall be required to submit outpatient cost reports to the Department within 90 days after the close of the facility's fiscal year. No year-end reconciliation is made to the reimbursement calculated under this subsection (d).

- 4) Services are available to all clients in geographic areas in which an encounter rate hospital or a county-operated outpatient facility is located. All specific client coverage policies (relating to client eligibility and scope of services available to those clients) which pertain to the service billed are applicable to encounter rate hospitals in the same manner as to hospitals reimbursed under the Ambulatory Care Program and to non-hospital and hospital providers who bill and receive reimbursement on a fee-for-service basis.

(Source: Amended at 19 Ill. Reg. effective
JUN 29 1995 \$10060)

Section 148.150 Public Law 103-66 Requirements Uncompensated-Care--Payment Adjustments

- a) The Department shall make uncompensated care payments to qualified hospitals. The Department shall adjust each of these uncompensated care payments to ensure that aggregate payments do not exceed the amount that can reasonably be estimated would have been paid under Medicare payment principles, in compliance with 42 CFR 447.227 Application of Upper Payment Limits.
- b) For the period August 17, 1991 through September 30, 1992, the hospitals' uncompensated care payment shall be calculated and paid in accordance with the statutes and administrative rules governing the time period when the services were rendered.
- c) As a condition of eligibility for an uncompensated care payment adjustment during the uncompensated care rate year, each hospital shall submit on or before October 1 of the uncompensated care rate year, the following information separated by inpatient and outpatient (including hospital-based clinic services) to the Department for the period August 17, 1990 through July 31, 1991:
- 1) The dollar amount of uncompensated care charges rendered in the period described above.
 - 2) The dollar amount of charges rendered during this period reimbursed by the Department under General Assistance Article VI of the Public Aid Code or Aid to the Medically Indigent Article VII of the Public Aid Code.
 - 3) The dollar amount of Medicaid charges rendered in the period described above.
 - 4) The dollar amount of total charges for care rendered in the period described above.
- a) Effective on or after October 17, 1992, as a condition of eligibility for an uncompensated care payment adjustment for the uncompensated

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care rate year, each cost reporting hospital as described in Section 148.210 shall annually submit, on or before August 15, October 1 of the uncompensated care rate year, at least the following information separated by inpatient and outpatient (including hospital-based clinic services) to the Department:

- 1) The dollar amount of uncompensated care charges rendered in the previous uncompensated care base year.
- 2) The dollar amount of charges rendered in the previous uncompensated care base year that are reimbursable by the Department for those program participants covered under the Family and Children Assistance Program, formerly known as the General Assistance Program (Article VI of the Public Aid Code).
- 3) The dollar amount of Medicaid charges rendered in the previous uncompensated care base year.
- 4) The dollar amount of total charges for care rendered in the previous uncompensated care base year.

e) Condition of Eligibility--Data-Requirements

- 1) Effective with the October 17, 1992, uncompensated care rate year as a condition of eligibility for an uncompensated care payment adjustment for the uncompensated care rate year, hospitals that did not comply with the data requirements described in subsection (c) above shall submit, on or before October 21, 1992, the data required under subsection (c) above in addition to the data required under subsection (d) above.
- 2) With respect to the October 17, 1993, uncompensated care rate year:

A) As a condition of eligibility for the total uncompensated care payment adjustment for the October 17, 1993, uncompensated care rate year, hospitals that did not comply with the data requirements described in subsection (c) above for the initial uncompensated care base year shall be required to submit, on or before October 17, 1993, the data described in subsection (c) above in addition to the data required under subsection (d) above.

B) Subject to the provision of subsection (c) above, below a hospital that did not comply with the requirements of subsection (c) above on or before October 17, 1993, shall not be eligible for uncompensated care payment adjustments for the October 17, 1993, uncompensated care rate year.

C) Notwithstanding the provisions of subsection (c) above, a hospital that was failed to comply with the requirements of subsection (c) above on or before October 17, 1993, but does comply with such requirements on or before November 5, 1993, shall be ineligible for the first quarterly uncompensated care payment adjustment, but shall be eligible for the final three quarterly uncompensated care payment adjustments, subject to the

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- requirements of subsection (f) of this Section:
- 3) Effective on or after October 1, 1994, as a condition of eligibility for an uncompensated care payment adjustment for the uncompensated care year, hospitals that did not comply with the data requirement described in subsection (c) above for the initial uncompensated care base year shall be required to submit by the first day of October of the uncompensated care rate year the data described in subsection (c) above. In addition, to the data required under subsection (d) above, a hospital that does not comply with these data requirements by the first day of October of the uncompensated care rate year shall be ineligible for uncompensated care payment adjustments in the uncompensated care rate year.
- 4) The data submitted under subsections (c) (d) and (e) above shall contain a statement signed by the chief financial officer or chief executive officer certifying to the accuracy of the data submitted.
- 5) Effective with the October 1, 1992, uncompensated care rate year, all hospitals that are reimbursed under Sections 148-170, 148-250, through 148-300, or 09-111, Admin. Code 149 that are required to submit cost reports in accordance with Section 148-210(a) shall be eligible for an uncompensated care payment adjustment for the uncompensated care rate year subject to the reporting requirements of subsections (c) (d) and (e) above, and the provision of subsection (f) below. The uncompensated care payment for the uncompensated care rate year shall be calculated by multiplying the number of Medicaid days extending for normal newborns provided by the hospital in the uncompensated care base year fiscal year which were subsequently adjudicated by the Department through the last day of June preceding the uncompensated care rate year and contained within the Department's paid claims data base by 552.65.
- 6) Effective on or after October 1, 1993, all hospitals that are reimbursed under Sections 148-250 through 148-300, or 09-111, Admin. Code 149 that are required to submit cost reports in accordance with Section 148-210(a) shall be eligible for an uncompensated care payment adjustment for the uncompensated care rate year subject to the reporting requirements of subsections (c) (d) and (e) above, and the provisions of subsection (f) below. The uncompensated care payment for the uncompensated care rate year shall be calculated by multiplying the number of Medicaid days extending for normal newborns provided by the hospital in the uncompensated care base fiscal year which were subsequently adjudicated by the Department through the last day of June preceding the uncompensated care rate year and contained within the Department's paid claims data base by 552.65.
- 7) In addition to the amount calculated in subsections (g) and (h) above for the period July 1, 1993, through June 30, 1994, each hospital shall receive an additional uncompensated care payment adjustment. This additional uncompensated care payment adjustment shall be

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- calculated by dividing \$16.5 million by the number of Medicaid days extending for normal newborns provided by all hospitals in the uncompensated care base fiscal year which were subsequently adjudicated by the Department through the last day of June preceding the uncompensated care rate year and contained within the Department's paid claims data base.
- 8) Effective on or after October 1, 1992, a hospital will not be eligible for an uncompensated care payment adjustment under this Section for an uncompensated care rate year if the data supplied under subsections (c) (d) and (e) above indicate a significant decrease in the uncompensated care utilization rate. This determination will be made by comparing the level of uncompensated care provided in the immediately previous uncompensated care base year to the level of uncompensated care provided in the initial base year of August 1, 1990 through July 31, 1991. For purposes of this determination, uncompensated care in the base year of August 1, 1990 through July 31, 1991, and in subsequent uncompensated care base years shall, in addition to its usual definition, include charges for services reimbursable by the Department under the family and children assistance program formerly known as General Assistance Article 177 and Aid to the Medically Indigent Article VIII. For example, eligibility for a payment adjustment for the uncompensated care rate year beginning October 1, 1992, shall be subject to a determination that there is not a significant decrease in the uncompensated care utilization rate provided from August 1, 1991 through July 1992, as compared to the level of uncompensated care provided from August 1, 1990 through July 1991. Factors which the Department may consider in determining whether a significant decrease in uncompensated care has occurred may include, but not be limited to, a change in the socio-economic characteristics of the community.
- 9) Reimbursement for uncompensated care payment adjustments shall be made on a quarterly basis.
- 10) All hospitals eligible for an uncompensated care payment adjustment shall be deemed to have met the requirements of Section 5-17 of the Public Aid Code that hospitals provide equal access to available services to low income persons who are eligible for assistance under Articles VI, VII, and VIII of the Public Aid Code. Nothing in this subsection shall be construed to imply that a hospital that is ineligible for an uncompensated care payment adjustment has not met the requirements of Section 17 of the Public Aid Code.
- 11) Inpatient Payment Adjustments Based Upon Uncompensated Care Payment Adjustment Reviews. Appeals based upon a hospital's eligibility for the uncompensated care payment adjustments described in this Section or their payment amounts in accordance with Section 148-310, which result in a change in a hospital's eligibility for uncompensated care payment adjustments or a change in a hospital's uncompensated care payment adjustment amounts shall not affect the uncompensated care payment adjustments of any other hospital that has

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(Source: Amended at 19 Ill. Reg. 10060, effective JUN 29 1995)

Section 148.160 Payment Methodology for County-Owned Hospitals in an Illinois County with a Population of Over Three Million

- a) Reimbursement Methodology
- In accordance with 89 Ill. Adm. Code 149.50(c)(8), county-owned hospitals in an Illinois county with a population greater than three million are excluded from the DRG PPS and are reimbursed in accordance with this **section** Section.
- b) Base Year Costs
- 1) The hospitals' base year operating costs shall be contained in the hospitals' audited cost reports (see 42 CFR 447.260 and 447.265 (1982)) for hospital fiscal years ending between 20 and 31 months prior to the fiscal year for which rates are being set.
 - 2) The hospitals' base year capital related costs shall be derived from the same audited cost reports used for operating costs in subsection (b)(1) above.
 - 3) The hospitals' base year direct medical education costs shall be derived from the same audited cost reports used for operating costs in subsection (b)(1) above.
 - 4) The base year cost per diem shall be the sum of the operating cost per diem, capital related cost per diem and medical education cost per diem defined in subsections (b)(1) through (b)(3).
 - 5) New hospitals, for which a base year cost report is not on file, will be reimbursed the per diem rate calculated in subsection (b)(4) above and inflated in subsection (d)(1) below.
- c) Restructuring Adjustment
- Adjustments to the base year cost per diem, as described in subsection (b)(4) above, will be made to reflect restructuring since filing the base year cost reports. The restructuring must have been mandated to meet state, federal or local health and safety standards. The allowable Medicare/Medicaid costs (see 42 CFR Part 405, Subpart D, 1982) must be incurred as a result of mandated restructuring and identified from the most recent audited cost reports available before or during the rate year. The restructuring costs must be significant, i.e., on a per unit basis; they must constitute one percent or more of the total allowable Medicare/Medicaid unit costs for the same time period. The Department will use the most recent available audited cost reports to determine restructuring costs. If audited cost reports become available during the rate year, the reimbursement rate will be recalculated at that time to reflect restructuring cost adjustments. For audited reports received at the Office of Health Finance, Illinois Department of Public Aid, between the first and fifteenth of the month, the effective date of the recalculated rate will be the first day of the following month. For audited reports received at the first

the Department of the Interior, Bureau of Reclamation, Washington, D.C. 20250.

Abstract Definitions

- 1) "Medicaid charges" means hospital charges for inpatient, outpatient and hospital-based clinic services provided to recipients of medical assistance under Title XIX of the Social Security Act.
- 2) "Medicaid days" means hospital days reimbursed by the Department for recipients of medical assistance under Title XIX of the Social Security Act.
- 3) "Total charges" means the total amount of a hospital's charges for inpatient, outpatient and hospital-based clinic services it has provided.
- 4) "Uncompensated care base fiscal year" means, for example, State Fiscal Year 1991, for the October 1, 1992, uncompensated care rate year. State Fiscal Year 1992, for the October 1, 1993, uncompensated care rate year, etc.
- 5) "Uncompensated care base year" means July August 1 through June 30 July 31 of each year, beginning with the initial July 1, 1994 August 1, 1998, through June 30, 1995 July 31, 1999, base year.
- 6) "Uncompensated care charges" for a hospital means:
- A) the hospital's charges for inpatient, outpatient and hospital-based clinic services for which the hospital was not reimbursed by either the patient or a third party (including the Department);
- B) less:
- i) the amount of the hospital's bad debt recoveries for inpatient, outpatient and hospital-based clinic services; and
- ii) the hospital's charges attributable to inpatient, outpatient and hospital-based clinic services that it provided without charge or at reduced charges under its obligation under the Federal Hill-Burton Act (42 U.S.C. 291 et seq.).
- 7) "Uncompensated care year" means October 1 through September 30 of each year, beginning with the October 1, 1992, care year.
- 8) "Uncompensated care utilization rate" means a fraction, the numerator of which is the hospital's uncompensated care charges provided in a given twelve-month period, and the denominator of which is the hospital's total charges in that same period; in this paragraph, the term "uncompensated care charges" shall include, in addition to its usual definition, charges for services reimbursable by the Department under the Family and Children Assistance Program, formerly known as General Assistance (Article VII) and Aid to the Medically Indigent (formerly Article VIII).

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Finance Section between the sixteenth and last day of the month, the effective date will be the first day of the second month following the month the reports are received. Allowable restructuring costs are adjusted to account for inflation from the midpoint of the restructuring cost reporting year to the midpoint of the base year according to the index and methodology of Data Resources, Inc. (DRI), national hospital market basket price proxies, and added to the base year cost per diem, as described in subsection (b)(4), which is subject to the inflation adjustment described in subsection (d) below.

d) Inflation Adjustment For Base Year Cost Report Inflator

1) The base year cost per diem, as defined in subsection (b)(4) above, shall be inflated from the midpoint of the hospitals' base year to the midpoint of the time period for which rates are being set (rate period) according to the historical rate of annual cost increases. The historical rate of annual cost increases shall be calculated by dividing the operating cost per diem as defined in subsection (b)(1) above by the previous year's operating cost per diem.

2) Effective October 1, 1992, the final reimbursement rate shall be no less than the reimbursement rate in effect on June 1, 1992; except that this minimum shall be adjusted each July 1 thereafter by the annual percentage change in the per diem cost of inpatient hospital services as reported in the most recent annual Medicaid cost reports.

e) Review Procedure

The review procedure shall be in accordance with Section 148.310.

f) Applicable Adjustments for DSH Hospitals

1) The criteria and methodology for making applicable adjustments to DSH hospitals which are exempt from the DRG PPS, as described in subsection (a) above, shall be in accordance with Section 148.120.

2) In addition to the DSH payment adjustment described in Section 148.120, hospitals reimbursed under this Section shall receive supplemental DSH payments. Effective with admissions on or after October 1, 1993, supplemental DSH payments for hospitals reimbursed under this Section shall be calculated by multiplying the sum of the base year cost per diem, as described in subsection (b)(4) above, as adjusted for restructuring, as described in subsection (c) above, and as adjusted for inflation, as described in subsection (d) above, and the calculated disproportionate share per diem payment adjustment as described in Section 148.120, by the hospitals' percentage of changes which are not reimbursed by a third party payer for the period of August 1, 1991, through July 31, 1992. Effective October 1, 1992, the supplemental DSH payments calculated under this subsection shall be no less than the supplemental DSH rates in effect on June 1, 1992, except that this minimum shall be adjusted as of July 1, 1992, and on the first day of July of each

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year thereafter, by the annual percentage change in the per diem cost of inpatient hospital services as reported in the most recent annual Medicaid cost reports. The per diem cost of inpatient hospital services is calculated by dividing the total allowable Medicaid cost by the total allowable Medicaid days. The supplemental DSH payment adjustment shall be paid on a per diem basis and shall be applied to each covered day of care provided.

g) Outlier Adjustments

Outlier adjustments to payment amounts for medically necessary inpatient hospital services involving exceptionally high costs for certain individuals shall be made in accordance with Section 148.130. h) Trauma Center Adjustments. Trauma center adjustments shall be made in accordance with Section 148.290(c). i) Reductions to Total Payments

1) Copayments. Copayments are assessed under all medical programs administered by the Department except the Family and Children Assistance Program, formerly known as the General Assistance program, and shall be assessed in accordance with Section 148.190.

2) Third Party Payments. The requirements of Section 148.290(f)(2) ~~148-290(f)(2)~~ shall apply.

j) Prepayment and Utilization Review requirements shall be in accordance with Section 148.240.

k) Cost Reporting Requirements shall be in accordance with Section 148.210.

l) Rate Period

The rate period for hospitals reimbursed under this Section shall be the 12 month period beginning on October 1 of the year and ending September 30 of the following year.

(Source: Amended at 19 Ill. Reg. 10060, effective JUNE 9 1995)

Section 148.170 Payment Methodology for Hospitals Organized Under the University of Illinois Hospital Act

a) In accordance with 89 Ill. Adm. Code 149.50(c)(8), a hospital organized under the University of Illinois Hospital Act shall be excluded from the DRG PPS and shall be reimbursed in accordance with this Section.

b) Base Year Costs

1) Each hospital's base year cost per diem shall be derived from an audited cost report (see 42 CFR 447.260 and 447.265 (1982)) for hospitals' fiscal year 1992 1990.

2) For new hospitals for which a base year cost report is not on

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file, the Department will use a more recent filed cost report or, if no cost report is on file, the hospital's estimate of costs, adjusted as necessary according to experience with hospitals of similar size, location and service intensity. The Department will recalculate any reimbursement rate based on a rate estimated as soon as a cost report becomes available. The recalculated rate will be effective for the entire fiscal year and the Department will retroactively adjust payments if reported costs are not consistent with the estimate on which the payments are based.

c) Restructuring Adjustment

Adjustments to base year costs will be made to reflect restructuring since filing the base year cost report. The restructuring must have been mandated to meet state, federal or local health and safety standards. The allowable Medicare/Medicaid costs (see 42 CFR Part 405, Subpart D, 1982) must be incurred as a result of mandated restructuring and identified from the most recent audited cost report available before or during the rate year. The restructuring costs must be significant, i.e., on a per unit basis; they must constitute one percent or more of the total allowable Medicare/Medicaid unit costs for the same time period. The Department will use the most recent available audited cost report to determine restructuring costs. If an audited cost report becomes available during the rate year, the reimbursement rate will be recalculated at that time to reflect restructuring cost adjustments. For audited reports received at the Finance Section, Illinois Department of Public Aid, between the first and fifteenth of the month, the effective date of the recalculated rate will be the first day of the following month. For audited reports received at the Office of Health Finance between the sixteenth and last day of the month, the effective date will be the first day of the second month following the month the report is received. Allowable restructuring costs are adjusted to account for inflation from the midpoint of the restructuring cost reporting year to the midpoint of the base year according to the index and methodology of Data Resources, Inc. (DRI), national hospital market basket price proxies and added to the base year costs.

d) Inflation Adjustment For Base Year Cost Report Inflator
Base year costs, including any adjustments for mandated restructuring, will be updated from the midpoint of each hospital's base year to the midpoint of the fiscal year for which rates are being set according to the hospital's historical rate of annual cost increases.

e) Review Procedure

The review procedure shall be in accordance with Section 148.310.

f) Applicable adjustments for DSH Hospitals

- 1) The criteria and methodology for making applicable adjustments to DSH hospitals which are exempt from the DRG PPS as described in subsection (a) above, shall be in accordance with Section 148.120.

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- 2) Effective October 1, 1993, in addition to the DSH payment adjustments described in Section 148.120, hospitals reimbursed under this Section shall have supplemental DSH payments effective with admissions on or after October 1, 1993, supplemental DSH payments for hospitals reimbursed under this Section shall be calculated by multiplying the sum of the hospital's base year costs, as described in subsection (b) above, as adjusted for restructuring, as described in subsection (c) above, and as adjusted for inflation, as described in subsection (d) above, and the calculated disproportionate share per diem payment adjustment as described in Section 148.120 by the hospital's percentage of charges which are not reimbursed by a third party payer for the period of August 1, 1991, through July 31, 1992. The resulting product shall be multiplied by 1.50 ~~2-25~~ and this amount shall be the supplemental DSH payment adjustment which shall be paid on a per diem basis and shall be applied to each covered day of care provided.

g) Outlier Adjustments

Outlier adjustments to payment amounts for medically necessary inpatient hospital services involving exceptionally high costs for certain individuals shall be made in accordance with Section 148.130.

h) Reductions to Total Payments

- 1) Copayments. Copayments are assessed under all medical programs administered by the Department except the Children and Family Assistance Program, formerly known as the General Assistance Program, and shall be assessed in accordance with Section 148.190.

- 2) Third Party Payments. The requirements of Section 148.290(f)(2) ~~148-290(f)(2)~~ shall apply.

- i) Prepayment and Utilization Review
Prepayment and utilization review requirements shall be in accordance with Section 148.240.

j) Cost Reporting Requirements

- k) Cost reporting requirements shall be in accordance with Section 148.210.

k) Rate Period

The rate period for hospitals reimbursed under this Section shall be the 12 month period beginning on October 1 of the year and ending September 30 of the following year, except for the period of July 1, 1995, through September 30, 1995.

(Source: Amended at 19 Ill. Reg. 10060, effective JUN 9 1995)

Section 148.250 Determination of Alternate Payment Rates to Certain Exempt Hospitals

The exempt hospitals, defined in 89 Ill. Adm. Code 149.50(c)(1), (c)(2), (c)(4)

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and (c)(7), shall be reimbursed for inpatient hospital care provided to recipients by summing the following reimbursement calculations:

- a) allowable operating cost per diem;
- b) other costs--capital and--direct--medical--education--costs+ costs reimbursed on a per diem basis;
- c) applicable DSH adjustments as described in Section 148.1207 uncompenated--care--adjustments--as--described--in--Section--148.130; and outlier adjustments as described in Section 148.130; and
- d) applicable trauma center adjustments, as described in 89 Ill. Adm. Code 148.290(c), rehabilitation--hospital--adjustments--as--described--in--89--Ill--Adm--Code--148.290(d);--per-natal--center--adjustments--as--described--in--89--Ill--Adm--Code--148.290(e);--obstetrical--care--adjustments--as--described--in--89--Ill--Adm--Code--148.290(f);--targeted access--payment--adjustments--as--described--in--89--Ill--Adm--Code--148.290(g); and Medicaid high volume adjustments, as described in 89 Ill. Adm. Code 148.290(d) 148.290(h).

(Source: Amended at 19 Ill. Reg. 10060, effective June 9, 1995)

Section 148.260 Calculation and Definitions of Inpatient Per Diem Rates

- a) Calculation for the first rate year period
 - i) Allowable operating cost per diem
 - A) The allowable operating cost per diem for a hospital, described in Section 148.250, and for hospitals or hospital units described in Section 148.270(a) and (b), shall be calculated by taking the hospital's Medicaid inpatient operating costs divided by the hospital's Medicaid inpatient days.
 - B) Operating cost base per diem rates for hospital inpatient care provided to Medicaid recipients beginning September 1, 1991, shall be calculated by:
 - i) Calculating each individual hospital's cost per diem less capital and direct medical education costs for each of the two most recent years for which an audited Medicaid cost report exists, as described in subsection (a)(1)(A) above.
 - ii) Each of the two costs per diem shall be trended forward to the midpoint of the rate period using the national hospital market basket price proxies (DRI).
 - iii) These two trended operating costs per diem are then added together and divided by two to calculate the hospital's final operating cost per diem for the base period.
 - iv) The average operating cost per diem calculated in subsection (a)(1)(B)(ii) above is then divided by the indirect medical education (IME) factor, determined by

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the Health Care Financing Administration (HCFA), in effect ninety days prior to the admission in order to calculate the hospitals final operating cost per diem for the base period. For other hospitals for which an indirect medical education factor is not available, the Department shall calculate an indirect medical education factor using the hospital's most recently available cost report and the Medicare formula in effect 90 days prior to the date of admission.

- 2) Capital Related Costs. The capital related cost per diem for a hospital, described in Section 148.250, and for hospitals or hospital units, described in Section 148.270(a) and (b), shall be calculated by taking the hospital's total capital related costs for the base period as defined in Section 148.25(g)(1) divided by the hospital's total inpatient days, trended forward to the midpoint of the rate period using the national hospital market basket price proxies (DRI).

A) These two trended capital related costs per diem are then added together and divided by two to calculate the hospital's adjusted capital related cost per diem.

B) The adjusted capital related cost per diem, as calculated in subsection (a)(2)(A) above, shall be rank ordered for all hospitals and capped at the 80th percentile.

C) Each hospital shall receive a per diem add-on for capital related costs which shall be equal to the amount calculated in subsection (a)(2)(A) or subsection (a)(2)(B) above, whichever is less.

- 3) Direct Medical Education Costs. The direct medical education cost per diem for a hospital, described in Section 148.250, and for hospitals or hospital units, described in Section 148.270(a) and (b), shall be calculated by taking total inpatient direct medical education costs for the base period as defined in Section 148.25(g)(1) divided by the hospital's total inpatient days, trended forward to the midpoint of the rate period using the national hospital market basket price proxies (DRI).

A) The two trended direct medical education costs per diem are then added together and divided by two to calculate the hospital's adjusted direct medical education cost per diem.

B) The adjusted direct medical education cost per diem, as calculated in subsection (a)(3)(A) above, shall be rank ordered for all hospitals reporting such costs and capped at the 80th percentile.

C) Each hospital shall receive a per diem add-on for direct medical education costs which shall be equal to the amount calculated in subsection (a)(3)(A) or subsection (a)(3)(B) above, whichever is less.

b) Calculation of Direct Medical Education Costs for Subsequent Rate Periods

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- 1) Effective--with rate periods beginning on or after April 17, 1994, hospitals will be separated into two peer groups for the purpose of computing direct medical education cost per diem.
- 2) For the purpose of computing the direct medical education cost per diem, all hospitals described in Section 148.25(g)(3) shall be defined as major teaching hospitals. All other hospitals reporting direct medical education costs shall be defined as other teaching hospitals.
- 3) Effective with rate periods beginning on or after April 17, 1994, the adjusted direct medical education cost per diem for all hospitals in each peer group shall be calculated by utilizing the direct medical education cost per diem for each hospital that were in effect on June 30, 1993, under the methodology described in subsections (a)(1) and (a)(2) of this Section.
- A) The adjusted direct medical education cost per diem as described in subsection (b)(3) above, shall be rank-ordered for all hospitals reporting such costs within each peer group and capped at the 80th percentile.
- B) Each hospital shall receive a per diem add-on for direct medical education costs which shall be equal to the amount calculated in subsection (b)(3) or subsection (b)(3)(A) above, whichever is less, subject to the inflation adjustment described in subsection (c) of this Section.
- 4) Calculation for Subsequent Rate Periods
- 1) For the rate period described in Section 148.25(g)(2)(A), the final rate per diem shall be determined by taking the operating, capital and direct medical education trended rate costs per diem calculated under subsection (a) of this Section and updating those costs by the national hospital market basket price proxies (DRI) to the midpoint of the rate period described in Section 148.25(g)(2)(A).
- 2) For rate periods beginning on or after April 1, 1994, as described in Section 148.25(g)(2)(B), the final rate per diem shall be determined by:
- A) Adding the operating and capital trended rate cost per diem calculated under subsection (a) of this Section that were in effect on June 30, 1993;
- B) Adding the direct medical education trended rate cost per diem calculated under subsection (c) of this Section to the resulting sum described in subsection (b)(3)(A) above; and
- C) Updating the trended rate cost per diem described in subsection (b)(2)(A) subsections (c)(2)(A) and (c)(2)(B) above:
- i) In the case of a hospital described in 89 Ill. Adm. Code 149.125(b), by the national hospital market basket price proxies (DRI) to the midpoint of the rate period described in Section 148.25(g)(2)(B); and
- ii) In the case of a hospital described in 89 Ill. Adm.

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Code 149.50(c)(1), (c)(2), or (c)(4), or for a hospital unit described in 89 Ill. Adm. Code 149.50(d)(1) or (d)(2), to the midpoint of the current rate period described in Section 148.25(g)(2)(B) by utilizing the TEFR price inflation factor.

C) Rebasings

For the rate period beginning after October 1, 1994, and every third rate period thereafter, the final rate per diem shall be calculated using the methodology set forth in subsection (a) of this Section for the calculation of operating and capital trended rate cost per diem using base period cost reports, as described in Section 148.25(g)(1), and

2) the methodology set forth in subsection (c) of this Section for the calculation of direct medical education trended rate cost per diem using base period cost reports, as described in Section 148.25(g)(1).

(Source: Amended at 19 Ill. Reg. 10060, effective June 29, 1995)

Section 148.270 Determination of Alternate Cost Per Diem Rates for All Hospitals; Payment Rates for Certain Exempt Hospital Units; and Payment Rates for Certain Other Hospitals

- a) Calculation of Alternate Cost Per Diem Rates for All Hospitals
- For all hospitals, regardless of the hospital's reimbursement methodology, the Department shall first calculate the hospital's alternate cost per diem rate, as calculated under Section 148.260, derived from the provider's base period cost reports, as described in Section 148.25(g)(1).
- b) Calculation of Payment Rates for Certain Exempt Hospital Units
- 1) For admissions occurring within the rate period described in Section 148.25(g)(2)(A):
- A) In the case of a distinct part unit, as described in 89 Ill. Adm. Code 149.50(d), the Department shall divide the hospital's Medicaid charges per diem (identified on adjudicated claims submitted by the provider during the most recently completed fiscal year for which complete data are available) related to the distinct part unit by the hospital's total charge per diem for all claims for the same time period.
- B) The resulting quotient, as calculated in subsection (b)(1)(A) above, shall be multiplied by the hospital's total operating cost per diem, as calculated in Section 148.260(a)(1)(B).
- C) The capital related cost per diem, as calculated in Section 148.260(a)(2), and the direct medical education cost per diem as calculated in Section 148.260(a)(3), are then

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added to the resulting product calculated in subsection (b)(1)(B) above, subject to the inflation adjustment described in Section 148.260(c)(1).

D) Subject to the provisions of subsection (b)(1)(E) and (b)(1)(F) below, the final distinct part unit payment rate shall be the lower of:

i) The result of the calculations described in subsections (b)(1)(A) through (b)(1)(E) above; or
ii) The hospital's alternate cost per diem rate, as calculated in subsection (a) above.

E) In no case shall the hospital's final distinct part unit payment rate be greater than three standard deviations above the mean distinct part unit payment rate.

F) In the case of a new distinct part unit for which the Department has insufficient adjudicated claims history data available, the Department shall utilize the average payment rate calculated under this subsection (b)(1) for like distinct part units.

2) For admissions occurring within a rate period described in Section 148.25(g)(2)(B), the distinct part unit payment rate shall be the distinct part unit payment rate in effect on June 30, 1993, as calculated under subsection (b)(1) above, updated to the midpoint of the current rate period, using the TEFR price inflation factor.

c) In the case of a new hospital (not previously owned or operated), a hospital that has significantly changed its case-mix profile (e.g., a general acute care hospital changing its case-mix to reflect a predominance of long term care patients), or an out-of-state non cost-reporting hospital, reimbursement for inpatient services shall be as follows:

1) For general acute-care hospitals, reimbursement for inpatient services shall be at the average payment rate calculated under subsection (a) or (b) above, as applicable, for those hospitals reimbursed under 89 Ill. Adm. Code 149.

2) For psychiatric hospitals, as defined in 89 Ill. Adm. Code 149.50(c)(1), reimbursement for inpatient psychiatric services shall be at the average rate calculated under Section 148.260 for those hospitals defined in 89 Ill. Adm. Code 149.50(c)(1).

3) For rehabilitation hospitals, as defined in 89 Ill. Adm. Code 149.50(c)(2), reimbursement for inpatient rehabilitation services shall be at the average rate calculated under Section 148.260 for those hospitals defined in 89 Ill. Adm. Code 149.50(c)(2).

4) For long term stay hospitals, as defined in 89 Ill. Adm. Code 149.50(c)(4), reimbursement for inpatient services shall be at the average rate calculated under Section 148.250 through 148.260 for those hospitals defined in 89 Ill. Adm. Code 149.50(c)(4).

5) For children's hospitals, as defined in 89 Ill. Adm. Code 149.50(c)(3), reimbursement for inpatient services shall be at

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the average rate calculated under subsection (a) above for those hospitals defined in 89 Ill. Adm. Code 149.50(c)(3).

(Source: Amended at 19 Ill. Reg. **10060**, effective **JUN 29 1995**)

Section 148.290 Adjustments and Reductions to Total Payments

a) Applicable Adjustments for DSH and Uncompensated-Care The criteria and methodology for making applicable DSH and uncompensated-care adjustments to hospitals shall be in accordance with Section 148.120 or if applicable 148.159.

b) Outlier Adjustments Outlier adjustments to payments amounts for medically necessary inpatient hospital services involving exceptionally high costs for certain individuals shall be made in accordance with Section 148.130 for hospitals that are exempt from the DRG PPS (see 89 Ill. Adm. Code 149).

c) Trauma-Center Adjustments (TCA) For inpatient admissions occurring on or after October 1, 1992, the Department shall make trauma-center adjustments (TCA) to hospitals recognized as of the first day of July preceding the TCA rate period as Level I or Level II trauma centers by Illinois Department of Public Health or if applicable, by the licensing agency in the State in which the hospital is located, in accordance with the provisions of subsections (c)(1) through (c)(5) below:

1) Level I Trauma-Center Adjustment (TCA). Hospitals that, on the first day of July preceding the TCA rate period, meet the following criteria shall receive an adjustment of \$19,260 per Medicaid trauma admission in the TCA base period:

A) The hospital must not be a county-owned hospital, as described in Section 148.25(b)(1)(A) or a hospital organized under the University of Illinois Hospital Act, as described in Section 148.25(b)(1)(B); and

B) The hospital is recognized as a Level I trauma center by the Illinois Department of Public Health or by the licensing agency in the State in which the hospital is located; the hospital is located within 50 miles of an Illinois border hospital; or

2) Level II Trauma-Center Adjustment (TCA). Illinois rural hospitals that meet the following criteria shall receive an adjustment of \$9,400 per Medicaid trauma admission in the TCA base period:

A) With respect to the October 1, 1992 TCA rate period, on the first day of July preceding the TCA rate period, the hospital is located in a rural area and is recognized as a Level II trauma center by the Illinois Department of Public Health;

B) With respect to the October 1, 1993 TCA rate period, on

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July 1, 1993, the hospital is designated as a rural hospital as defined in Section 148-25(f)(3) and is recognized as a Level II trauma center by the Illinois Department of Public Health.

e) With respect to the rate periods beginning on or after October 1, 1994, on the first day of July preceding the rate period, the hospital is designated as a rural hospital as defined in Section 148-25(f)(3) and is recognized as a Level II trauma center by the Illinois Department of Public Health.

3) Level II--Urban--Trauma--Center--Adjustment--(TCA).--Illinois--urban hospitals as described in Section 148-25(g)(4) for rate periods beginning on or after October 1, 1993 that, on the first day of July preceding the rate period, are recognized as Level II trauma centers by the Illinois Department of Public Health shall receive an adjustment of \$9,400.00 per Medicaid trauma admission in the base period provided that such hospital meets the criteria described in subsections (c)(3)(B) or (c)(3)(D) below.

A) The Medicaid trauma admission percentage as described in subsection (c)(3)(E) below shall be calculated for each hospital described in subsection (c)(3) above.

B) Each hospital described in subsection (c)(3) that meets the following additional criteria shall be eligible for the adjustment described in subsection (c)(3) above:

1) The hospital is located in a county with no Level I trauma center.

2) The hospital has a Medicaid trauma admission percentage at or above the mean of the individual facility values determined in subsection (c)(3)(A) above and

3) The hospital is located in a Health Manpower Shortage Area (HMSA) 42-CPR-57-19897 as of the first day of July preceding the rate period year.

e) Each hospital described in subsection (c)(3) that meets the following additional criteria shall be eligible for the adjustment described in subsection (c)(3) above:

1) The hospital is located in a county with no Level I trauma center and

2) The hospital has a Medicaid trauma admission percentage that is at least the mean plus one standard deviation of the individual facility values determined in subsection (c)(3)(A) above.

c) County Trauma Center Adjustment (TCA). Illinois hospitals that, on the first day of July preceding the TCA rate period, are recognized as Level I or Level II trauma centers by the Illinois Department of Public Health, shall receive an adjustment that shall be calculated as follows:

1) The available funds from the Trauma Center Fund for each quarter

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shall be divided by each eligible hospital's (as defined in subsection (c)(4) above) Medicaid trauma admissions in the same quarter of the TCA base period to determine the adjustment for the TCA rate period. The result of this calculation shall be the County TCA adjustment per Medicaid trauma admission for the applicable quarter.

2) The county trauma center adjustment payments shall not be treated as payments for hospital services under Title XIX of the Social Security Act for purposes of the calculation of the intergovernmental transfer provided for in Section 15-3(a) of the Public Aid Code.

3) Each eligible hospital's trauma center adjustment for the rate period shall equal the sum of the amounts described in subsections (c)(3) and (c)(4). The trauma center adjustments shall be paid to eligible hospitals on a quarterly basis.

4) Trauma Center Adjustment Limitations. Hospitals that qualify for trauma center adjustments under this subsection shall not be eligible for the total trauma center adjustment if, during the TCA rate period, the hospital is no longer recognized by the Illinois Department of Public Health, or the appropriate licensing agency, as a Level I trauma center as required for the adjustment described in subsection (c)(3) above or as a Level II trauma center as required for the adjustment described in subsection (c)(4) above. In these instances, the adjustments calculated under this subsection shall be prorated, as applicable, based upon the date that such recognition ceased.

5) Trauma Center Adjustment Definitions. The definitions of terms used with reference to calculation of the trauma center adjustments required by subsection (c) are as follows:

A) "Available funds" means funds which have been deposited into the Trauma Center Fund, which have been distributed to the Department by the State Treasurer, and which have been appropriated by the Illinois General Assembly.

B) "Medicaid trauma admission" means those claims billed as admissions, excluding admissions for normal newborns, which were subsequently adjudicated by the Department through the last day of June preceding the TCA rate period and contained within the Department's paid claims data base, with an ICD-9-CM principal diagnosis code of: 800.0 through 800.99, 801.0 through 801.99, 802.0 through 802.99, 803.0 through 803.99, 804.0 through 804.99, 805.0 through 805.98, 806.0 through 806.99, 807.0 through 807.69, 808.0 through 808.9, 809.0 through 809.1, 828.0 through 828.1, 839.0 through 839.3, 839.7 through 839.9, 850.0 through 850.9, 851.0 through 851.99, 852.0 through 852.59, 853.0 through 853.19,

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- 4) The hospital is designated as a level II perinatal center by the Illinois Department of Public Health, or if applicable by the licensing agency in the state in which the hospital is located, on the first day of July preceding the PEA rate period.
- 5) The hospital is:
- 1) With respect to the October 1, 1992, PEA rate period, located in a rural area on the first day of July preceding the PEA rate period.
 - 2) With respect to the October 1, 1993, PEA rate period, designated as a rural hospital as defined in Section 148-25.9(f)(3) on July 14, 1993.
 - 3) With respect to PEA rate periods beginning on or after October 1, 1994, designated as a rural hospital as defined in Section 148-25.9(f)(3) on the first day of July preceding the PEA rate period, and
- 6) The hospital has a Medicaid perinatal percentage of 30 percent or above.
- 7) The perinatal center adjustments calculated under subsection (f)(1) above shall be paid to eligible hospitals on a quarterly basis.
- 8) Perinatal Center Adjustment Limitations: Hospitals that qualify for PEA adjustments under subsection (f)(1) above shall not be eligible for the total PEA adjustment if during the PEA rate period the hospital is no longer recognized or designated by the Illinois Department of Public Health, or the appropriate licensing agency, as a level II perinatal center as required by subsection (f)(1)(A) above in this instance, the annual adjustment described in subsection (f)(1) above shall be prorated as applicable based upon the date that the designation ceased.
- 9) Perinatal Center Adjustment (PEA) Definitions: The definitions of terms used with references to calculation of the perinatal center adjustments required by this subsection (f) are as follows:
- A) "Medicaid perinatal admissions" as referred to in subsection (f)(1)(B) below means those claims billed as admissions, excluding admissions for normal newborns, which were subsequently adjudicated by the Department through the fast-day-of-June preceding the PEA rate period and contained within the Department's paid claims data base for infants less than 29 days of age at the time of the admission with an ICD-9-CM diagnosis code within the range of 760 through 799, and 990 through 999, and those claims billed as admissions, excluding admissions for normal newborns, which were subsequently adjudicated by the Department through the fast-day-of-June preceding the PEA rate period and contained within the Department's paid claims data base, related to

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- pregnancy, childbirth, and the puerperium with an ICD-9-CM principal diagnosis code within the range of 630 through 676.
- B) "Medicaid perinatal percentage" means a fraction, the numerator of which is the hospital's Medicaid perinatal admissions, and the denominator of which is the hospital's total Medicaid admissions.
- C) "PEA base period" means State Fiscal Year 1993 for PEA payments calculated for the October 1, 1993, PEA rate period, State Fiscal Year 1993 for PEA payments calculated for the October 1, 1994, PEA rate period, etc.
- D) "PEA rate period" means beginning October 1, 1993, the 12 month period beginning on October 1 of the year and ending September 30 of the following year.
- E) "Total Medicaid admissions" as referred to in subsection (f)(1)(B) above means the total claims billed as admissions, excluding admissions for normal newborns, which were subsequently adjudicated by the Department through the fast-day-of-June preceding the PEA rate period and contained within the Department's paid claims data base.
- F) Obstetrical Care Adjustments (OCA)
- 1) Inpatient admissions occurring on or after October 1, 1993, the Department shall make obstetrical care adjustments (OCA) to hospital rates in accordance with the provisions of subsection (f)(1) below.
 - 2) Hospitals that meet the following criteria shall receive an adjustment of 6675.00 per Medicaid obstetrical admission in the OCA rate period:
 - A) The hospital offers nonemergency obstetric procedures to the general public on the first day of July preceding the OCA rate period.
 - B) The hospital is:
 - 1) With respect to the October 1, 1993, OCA rate period, located in a rural area on the first day of July preceding the OCA rate period.
 - 2) With respect to the October 1, 1993, OCA rate period, designated as a rural hospital as defined in Section 148-25.9(f)(3) on July 14, 1993.
 - 3) With respect to OCA rate periods beginning on or after October 1, 1994, designated as a rural hospital as defined in Section 148-25.9(f)(3) on the first day of July preceding the OCA rate period, and
 - E) The hospital has a Medicaid obstetrical percentage of 20 percent or above.
- 3) The obstetrical care adjustments calculated under subsection (f)(1) above shall be paid to eligible hospitals on a quarterly basis.
- 4) Obstetrical Care Adjustment Limitations: Hospitals that qualify for OCA adjustments under subsection (f)(1) above shall not be eligible for OCA adjustments under subsection (f)(1) above if during the OCA rate period the hospital is no longer recognized or designated by the Illinois Department of Public Health, or the appropriate licensing agency, as a level II perinatal center as required by subsection (f)(1)(A) above in this instance, the annual adjustment described in subsection (f)(1) above shall be prorated as applicable based upon the date that the designation ceased.

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eligible for the total OEA adjustment if during the OEA rate period the hospital discontinues the provision of non-emergency obstetrical care in this instance the annual adjustment described in subsection (f)(1) shall be prorated as applicable based upon the date that the hospital discontinued the provision of such non-emergency obstetrical care.

4) Obstetrical Care Adjustment (OCA) Definitions--The definitions of terms used with reference to calculation of the obstetrical care adjustments required by subsection (f) are as follows:

A) "Medicaid obstetrical admissions" means those claims billed as admissions which were subsequently adjudicated by the Department through the last day of June preceding the OEA rate period and contained within the Department's paid claims data base with an ICD-9-CM diagnosis code within the ranges of 650 and 669 which resulted in childbirth.

B) "Medicaid obstetrical percentage" means a fraction the numerator of which is the hospital's Medicaid obstetrical admissions and the denominator of which is the hospital's total Medicaid admissions.

C) "OEA base period" means State Fiscal Year 1992 for OEA payments calculated for the October 1, 1993, OEA rate period. State Fiscal Year 1993 for OEA payments calculated for the October 1, 1994, OEA rate period, etc.

D) "OEA rate period" means beginning October 1, 1993, the 12 month period beginning on October 1 of the year and ending September 30 of the following year.

E) "Total Medicaid admissions" as referred to in subsection (f)(4)(B) above means the total claims billed as admissions, excluding admissions for normal newborns, which were subsequently adjudicated by the Department through the last day of June preceding the OEA rate period and contained within the Department's paid claims data base.

9) Targeted Access Payment (TAP) Adjustments

For inpatient admissions occurring on or after October 1, 1993, the Department shall make targeted access payment (TAP) adjustments to Illinois hospitals in accordance with the provisions of subsections (g)(1) through (g)(8) below.

1) Criteria--To qualify for TAP adjustments under this subsection (g) hospitals must meet the following criteria:

A) With respect to the TAP adjustments described in subsections (g)(2) through (g)(6) the hospitals must be eligible to receive the adjustment payments described in Section 140-120(g)(2) in the TAP rate period.

B) With respect to the TAP adjustments described in subsections (g)(2) through (g)(6) the hospital must not be a county owned hospital as described in Section 140-25(f)(4) or as a hospital organized under the

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University of Illinois Hospital Act, as described in Section 140-25(f)(4)(B).

E) With respect to the TAP adjustments described in subsections (g)(2) through (g)(6) and (g)(5) and subject to subsection (g)(4)(B) below the hospital must have 500 or fewer certificate of need beds if located in an urban area as described in Section 140-25(g)(4). The number of certificate of need beds shall include total beds, excluding any used for substance abuse and/or long term care beds, and shall be determined by the Illinois Department of Public Health (IDPH) based upon the most current IDPH published report entitled "Bed Count-Average Length of Stay-Average Daily Census-and Percent Occupancy for Non-Federal Hospitals in Illinois" which is available to the Illinois Department of Public Aid in the month immediately preceding the TAP rate period, and

B) With respect to the TAP adjustments described in subsections (g)(2) through (g)(6) and (g)(5) and subject to subsection (g)(4)(B) below the hospital must have 300 or fewer certificate of need beds if located in a rural area as described in Section 140-25(g)(3). The number of certificate of need beds shall include total beds, excluding any used for substance abuse and/or long term care beds, and shall be determined by the Illinois Department of Public Health (IDPH) based upon the most current IDPH published report entitled "Bed Count-Average Length of Stay-Average Daily Census-and Percent Occupancy for Non-Federal Hospitals in Illinois" which is available to the Illinois Department of Public Aid in the month immediately preceding the TAP rate period.

C) Notwithstanding the provisions of subsections (g)(1)(C) and (g)(1)(D) above shall not apply to hospitals as described in 140-120(a)(5) shall be eligible for the adjustments described in subsections (g)(2) and (g)(4). A children's hospital shall not be subject to or eligible for the adjustments described in subsections (g)(2) through (g)(5) or (g)(6).

D) Effective August 1, 1994, subsections (g)(1)(C) and (g)(1)(D) above shall not apply.

2) Medicaid Percentage Adjustment-Eligible hospitals as described in subsection (g)(1) above with a Medicaid inpatient utilization rate as defined in Section 140-120(f)(5) of 35% or above shall receive an adjustment of \$70.00 per Medicaid admission in the TAP base year and all other eligible hospitals shall receive an adjustment per Medicaid admission in the TAP base year which is calculated by dividing the individual hospital's Medicaid inpatient utilization rate by 35% and multiplying the result by \$70.00.

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- 3) Obstetrical-Care-Adjustment--Eligible hospitals-as-described-in subsection--(g)(1)--above--that provide nonemergency obstetrical services-to-the-general-public-shall-receive-a--gap--obstetrical care-adjustment-which-shall-include:
- A) An-adjustment-of-\$600-00-per-Medicaid-obstetrical-admission in-the-gap-base-period--and
- B) An-additional-adjustment--up-to--\$340-00--per--Medicaid obstetrical-admission--in-the-gap-base-period--based-upon-the hospital's--Medicaid--obstetrical-admission-percentage--The additional-adjustment-shall-be-calculated--by--giving--the hospital--providing--the--most--Medicaid--obstetrical--admissions a--\$340-00--adjustment-per-Medicaid-obstetrical-admission--in the-gap-base-period--and--all--other--qualifying--hospitals--an adjustment--equal--to--the--individual--hospital's--Medicaid obstetrical-admission-percentage--divided--by--the--Medicaid obstetrical-admission-percentage--of--the--hospital--with--the highest--Medicaid--obstetrical--admission-percentage--the result-of-which-shall-then-be-multipplied-by--\$340-00.
- 4) Children's--Care-Adjustment--Eligible hospitals-as-described-in subsections--(g)(1)(A)--through--(g)(1)(B)--above--that--provide services-to-children--defined-as-under-the-age-of--18--and--which excludes--obstetrical--services--shall-receive-a-gap-children's care-adjustment:
- A) Eligible hospitals-as-described-in--subsections--(g)(1)(A) (g)(1)(B)--and--(g)(1)(B)--above--shall-receive--a--gap children's-care-adjustment--of--up-to--\$600-00--per--Medicaid children's--admission--in-the-gap-base-period--The adjustment shall-be-calculated--by--dividing--each--eligible--hospital's Medicaid--children's--admissions--in--the-gap-base-period--by each-eligible-hospital's-total-Medicaid--admissions--in--the gap-base-period--to--arrive--at--the--Medicaid--children's admission-percentage.
- B) The--hospital--with--the--highest--percentage--of--Medicaid children's--admissions--shall-receive--an-adjustment--of--\$600-00 for--each-Medicaid--children's--admission--in--the-gap--base period--and--all--other--qualifying--hospitals--shall-receive--an adjustment--equal--to--\$600-00--multiplied--by--the--individual hospital's--Medicaid--children's--admission-percentage--divided by--the--Medicaid--children's--admission-percentage--of--the hospital--with--the--highest--Medicaid--children's--admission percentage.
- 5) Ambulatory--Care--Network--Adjustment--Eligible hospitals--as described-in-subsection--(g)(1)--above--shall-complete--and--submit the--Ambulatory--Care--Network--Questionnaire--in--order--to--be considered--for--the-gap-ambulatory-care-network-adjustment--The Ambulatory--Care--Network--Questionnaire-must-be-received-within-30 calendar-days-after-the-end-of-notified-from--the--Department that--the-information-must-be-submitted--information-requested-in

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this-subsection-(g)-which-is-not-received-in-compliance-with-this requirement-shall-not-be-considered-for-the-determination-of those-hospitals-qualified-for-ambulatory-care-network adjustments--in-addition--such-hospitals-shall-be-required-to enter-into-an-agreement-with-the-Department-which-describes-in detail-their-involvements-in-ambulatory-care-and--includes commitments--to-maintain-operations--Hospitals-shall-be-required to-notify-the-Department-in-advance-of-any-action-which-would result-in-a-reduction-of-20-percent-or-more-in-the-number-of visits-provided-by-hospital-operated-primary-care-clinics--or--a reduction-of-20-percent-or-more-in-the-number-of-visits-provided by-primary-care-physicians--The-gap-ambulatory-care-network adjustment-shall-consist-of-three-possible-individual-adjustments as-follows:

A) Hospitals-reporting-the-following-number-of-physician-office visits--on--the--Ambulatory-Care-Network-Questionnaire--shall receive--the--following--adjustments--per--total--Medicaid admissions--in--the-gap-base-period:

Urban-Threshold	Rural-Threshold	Adjustment
3-----37999	3-----47999	500-00
40000-----407000	57000-----407000	\$125-00
408001-----4087000	407001-----507000	\$145-00
409001-----and-over	507001--and-over	\$165-00

B) Hospitals-qualifying-for-an-adjustment-under-subsection (g)(5)(A)-above-shall-receive--an-additional--\$135-00--per total-Medicaid--admissions--in--the-gap-base-period-if-they have--a--formal--linkage-agreement--with--a--City--of--Chicago Partnerships--in-Health--or--Medicaid-Partnerships.

C) Hospitals-qualifying-for--an--adjustment--under--subsections (g)(5)(A)--above--shall-receive--an--additional--\$135-00--per total-Medicaid-admissions--in--the-gap-base-period--if--they have--a--formal--linkage-agreement--with--a--Federally-qualified Health-Center--a-County-Health-Center--or--a-Rural-Health Center.

6) Gap--Index--Adjustment--With--the--exception--of--adjustments calculated--in--subsections--(g)(2)--and--(g)(4)--for--children's hospitals--as-described--in--Section--48-20(a)(7)--the-sum-of--the adjustments-calculated-in-subsections--(g)(2)--through--(g)(5)--shall be-multipplied--by--the--following-applicable-percentages--which-are based-upon--each-hospital's-Medicaid-inpatient-admission-rate-as defined-in-Section--48-20(a)(2)(i)(5):

A) For-those-hospitals-with-a-Medicaid-inpatient-admission rate--of--45-percent-or-above--the-applicable-percentage--is 110-percent.

B) For-those-hospitals-with-a-Medicaid-inpatient-admission rate--of--at-least--20-percent-but-less-than-45-percent--the

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- applicable percentage is 50 percent.
 For those hospitals with a Medicaid inpatient utilization rate of less than 25 percent, the applicable percentage is 25 percent.
- 7) The GAP adjustments calculated under subsections (g)(2) through (g)(6) above shall be paid to eligible hospitals on a quarterly basis.
- 9) Targeted Access Payment Adjustment Limitations.
 Hospitals that qualify for GAP adjustments under subsection (g)(3) above shall not be eligible for the total GAP adjustment for during the GAP rate period.
- A) The hospital discontinues the provision of non-emergency obstetrical care in this instance the annual adjustment described in subsections (g)(3) and (g)(6) shall be pro-rated as applicable based upon the date that the hospital discontinued the provision of such non-emergency obstetrical care.
- B) The hospital does not honor its commitment to maintain operations as required in subsection (g)(5) of this Section. In the event that there is a reduction of 20 percent or more in the number of visits provided by hospital-operated primary care clinics or a reduction of 30 percent or more in the number of visits provided by primary care physicians the Department may subject to approval by the Director deem the hospital ineligible for the adjustments described in subsections (g)(5) and (g)(6) of this Section either in total or in part.
- C) The hospital discontinues its formal linkage agreements required in subsections (g)(5)(B) and (g)(5)(C) in this instance the annual adjustment described in subsections (g)(5) and (g)(6) shall be pro-rated based upon the date that the formal linkage agreement(s) was discontinued.
- 9) Targeted Access Payment (TAP) Adjustment Definitions. The definitions of terms used with reference to calculation of the targeted access payment adjustments required by subsection (g) are as follows:
- A) "Medicaid children's admission" means those claims billed as admissions of an individual under 18 years of age excluding admissions for normal newborns which were subsequently adjudicated by the Department through the last day of June preceding the GAP rate period and contained within the Department's paid claims data base but excludes those claims billed as admissions with an ICD-9-CM principal diagnosis code within the range of 650 and 669 indicating an obstetrical admission.
- B) "Medicaid obstetrical admission" means those claims billed as admissions which were subsequently adjudicated by the Department through the last day of June preceding the GAP

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- rate period and contained within the Department's paid claims data base with an ICD-9-CM principal diagnosis code within the range of 650 and 669 which resulted in childbirth.
- C) "Medicaid obstetrical admission percentage" means a fraction the numerator of which is the hospital's Medicaid obstetrical admissions and the denominator of which is the Medicaid obstetrical admissions provided by all hospitals qualified for the GAP obstetrical care adjustment.
- B) "Medicaid perinatal percentage" means a fraction the numerator of which is the hospital's Medicaid perinatal admissions and the denominator of which is the hospital's total Medicaid admissions.
- B) "GAP base period" means State Fiscal Year 1992 for GAP payments calculated for the October 1, 1993, GAP rate period, State Fiscal Year 1993 for GAP payments calculated for the October 1, 1994, GAP rate period, etc.
- B) "GAP rate period" means beginning October 1, 1993, the 12 month period beginning on October 1 of the year and ending September 30 of the following year.
- C) "Total Medicaid admissions" as referred to in subsection (g)(9)(B) above means the total claims billed as admissions, excluding admissions for normal newborns, which were subsequently adjudicated by the Department through the last day of June preceding the GAP rate period and contained within the Department's paid claims data base.
- D) "Medicaid High Volume Adjustments (MHVA)"
- 1) For inpatient admissions occurring on or after October 1, 1993, the Department shall make Medicaid High Volume Adjustments (MHVA) to hospitals in accordance with the provisions of subsection (h)(1) through (h)(2) below. Criteria to qualify for MHVA adjustments under this subsection (h) hospitals must meet the following criteria:
- A) With respect to the MHVA described in subsection (h)(2)(A) through (h)(2)(E), the hospitals must:
- 1) Be eligible to receive the adjustment payments described in Section 148.120 in the MHVA rate period; and
- 2) Not be a county-owned hospital, as described in Section 148.25(b)(1)(A), or a hospital organized under the University of Illinois Hospital Act, as described in Section 148.25(b)(1)(B) in the MHVA rate period; and
- C) Not be a facility operated by the Department of Mental Health and Developmental Disabilities, as described in Section 148.25(b)(6).
- B) With respect to the MHVA adjustments described in subsection (h)(2)(B):
- 1) The hospital must not be eligible to receive the adjustment payments described in Section 148.120 of the MHVA rate period.

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- in the MHVA rate period;
- ii) The total number of Medicaid inpatient days as defined in subsection (h)(4)(B) of this Section, provided by each Medicaid participating Illinois hospital, must be at least one standard deviation above the mean number of Medicaid inpatient days as defined in subsection (h)(4)(A) of this Section for the MHVA base fiscal year; and
- iii) The hospital must meet the requirements of subsection (h)(4)(B) below when located in a geographic area covered by the managed care component of the Healthy Moms/Healthy Kids program as described in 89 Ill. Adm. Code 140-9204.11.
- e) Source of Data: In making the determination described in subsection (h)(4)(B)(i) above, the Department shall utilize:
- i) who hospitals' final audited cost report for the hospitals' MHVA base fiscal year; Medicaid inpatient days as defined in subsection (h)(4)(B) of this Section, which have been derived from final audited cost reports are not subject to the Review Procedure described in Section 140-310, with the exception of errors in calculation;
- ii) in the absence of a final audited cost report for the hospitals' MHVA base fiscal year, the Department shall utilize the hospitals' unaudited cost report for the hospitals' MHVA base fiscal year. Due to the unaudited nature of this information, hospitals shall have the opportunity to submit a corrected cost report for the determination described in subsection (h)(4)(B)(i) above. Submission of a corrected cost report in support of subsection (h)(4)(B)(i) above must be received no later than the first day of July preceding the MHVA rate period for which the hospital is requesting consideration of such corrected cost report for the determination of MHVA qualification. Corrected cost reports which are not received in compliance with these time limitations will not be considered for the determination of the hospital's Medicaid inpatient days as described in subsection (h)(4)(B) of this Section;
- iii) Hospitals' Medicaid inpatient days, as defined in subsection (h)(4)(B) of this Section, which have been derived from unaudited cost reports, are not subject to the Review Procedure described in Section 140-310, with the exception of errors in calculation; pursuant to subsection (h)(4)(B)(i) above, hospitals shall have the opportunity to submit corrected cost report

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- information prior to the Department's MHVA determination;
- iv) in the event a subsequent final audited cost report reflects Medicaid inpatient days as described in subsection (h)(4)(B) of this Section, which are lower than the Medicaid inpatient days derived from the unaudited cost report utilized for the MHVA determination, the Department shall recalculate the Medicaid inpatient days based upon the final audited cost report and recoup any overpayments made;
- B) Hospitals meeting the criteria described in subsection (h)(4)(B) above that are located in a geographic area covered by the managed care component of the Healthy Moms/Healthy Kids program as described in 89 Ill. Adm. Code 140-9204.11 must meet the following requirements:
- i) Hospitals designated as level III perinatal centers by the Illinois Department of Public Health must enter into an agreement with the Department to participate in the Healthy Moms/Healthy Kids program as a Certified Obstetrical Ambulatory Care Center (COBACC) as described in 89 Ill. Adm. Code 140-4611.11(e) with a minimum Healthy Moms/Healthy Kids client assignment capacity commitment that includes a specified minimum number of pregnant women determined to be at medical high risk of abnormal delivery and is otherwise mutually agreeable to both the Department and the hospital;
- ii) Hospitals that are not designated as level III perinatal centers by the Illinois Department of Public Health must enter into an agreement or agreements with the Department to participate in the Healthy Moms/Healthy Kids program as a Certified Hospital Ambulatory Primary Care Center (CHAPECC) as described in 89 Ill. Adm. Code 140-4611.11(A) and/or a Certified Hospital Organized Satellite Clinic (CHOSCL) as described in 89 Ill. Adm. Code 140-4611.11(B) with a minimum total Healthy Moms/Healthy Kids client assignment capacity commitment that is otherwise mutually agreeable to both the Department and the hospital; and
- iii) Hospitals must enter into the agreements described in subsections (h)(4)(B)(i) and (h)(4)(B)(ii) above by the first day of January in the MHVA rate period;
- 2) Calculation of Medicaid High Volume Adjustments
- A) Hospitals meeting the criteria specified in subsection (d)(1) (h)(4)(A) above shall receive a MHVA payment adjustment of \$60.
- B) For children's hospitals, as defined in Section

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148.120(a)(5), the payment adjustment calculated under subsection (d)(2)(A) ~~that~~ above shall be multiplied by 2.0.

C) The amount calculated pursuant to subsections (d)(2)(A) ~~that~~ and (d)(2)(B) ~~that~~ above shall be adjusted on October 1, 1993, and annually thereafter, by a percentage equal to the lesser of:

i) The increase in the national hospital market basket price proxies (DRI) hospital cost index for the most recent twelve month period for which data are available; or

ii) The percentage increase in the statewide average hospital payment rate, as described in subsection (d)(4)(C) ~~that~~ of this Section, over the previous year's statewide average hospital payment rate.

B) Hospitals meeting the criteria specified in subsections (b)(1)(B) and (b)(1)(C) ~~above~~ shall receive an add-on payment to their inpatient rate:

1) The distribution method for the add-on payment described in subsection (b)(2)(B) ~~above~~ is based upon a fund of \$12 million. All hospitals qualifying under subsections (b)(1)(B) and (b)(1)(C) ~~above~~ will receive an \$85 per day add-on to their current rate. The total cost of this adjustment is calculated by multiplying each hospital's most recent completed fiscal year Medicaid inpatient utilization data (adjusted based upon historical utilization and projected increases in utilization) by \$85. The total dollar amount of this calculation is then subtracted from the \$12 million fund.

2) The remaining fund balance is then distributed to the hospitals that are located in a geographic area covered by the managed care component of the Healthy Mom's/Healthy Kids Program as described in 09-III-Adm Code 140-928(a)(1) in proportion to the percentage by which the hospital's Medicaid inpatient days as described in subsection (b)(1)(B) exceeds one standard deviation above the State's mean Medicaid inpatient days as described in subsection (b)(1)(B) of this Section. This is done by finding the ratio of each qualified hospital's percent Medicaid inpatient days to the State's mean plus one standard deviation percent Medicaid inpatient days value. These ratios are then summed and each qualified hospital's proportion of the total is calculated. These proportional values are then multiplied by each qualified hospital's most recent completed fiscal year Medicaid inpatient utilization data (adjusted based

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upon historical utilization and projected increases in utilization. These weighted values are summed and each qualified hospital's proportion of the summed weighted value is calculated. Each individual qualified hospital's proportional value is then multiplied against the \$12 million pool of money available after the \$85 per day base add-on has been subtracted.

3) The total dollar amount calculated for each qualifying hospital under subsection (b)(2)(B) ~~above~~ plus the initial \$85 per day add-on amount calculated for each qualifying hospital under subsection (b)(2)(B) ~~above~~ is then divided by the Medicaid inpatient utilization data (adjusted based upon historical utilization and projected increases in utilization) to arrive at a per day add-on value. Hospitals meeting the criteria described under subsection (b)(1)(B) ~~that~~ are not located in a geographical area covered by the managed care component of the Healthy Mom's/Healthy Kids Program as described in 09-III-Adm Code 140-928(a)(1) will receive the minimum adjustment of \$85 per inpatient day. The adjustments calculated under this subsection are subject to the limitations described in subsection (b)(3) below. The adjustments calculated under this subsection are subject to the limitations described in subsection (b)(3) below.

D) The adjustments calculated under subsections (d)(2)(A) ~~that~~ through (d)(2)(C) ~~that~~ of this Section shall be paid on a per diem basis and shall be applied to each covered day of care provided.

3) Medicaid High Volume Adjustment Limitations.

A) Hospitals located in a geographic area covered by the managed care component of the Healthy Mom's/Healthy Kids Program as described in 09-III-Adm Code 140-928(a)(1) that qualify for MVA adjustments under subsection (b)(2)(B) ~~above~~ shall not be eligible for the MVA adjustment if:

1) The hospital does not enter into a Healthy Mom's/Healthy Kids agreement as required in subsection (b)(1)(B) ~~and~~ (b)(1)(B) ~~above~~ by the first day of January of the MVA rate period in this instance; any adjustments described in subsection (b)(2)(B) ~~that~~ have been made by the Department shall be recouped and the hospital shall no longer be deemed eligible for the MVA adjustment.

2) The hospital does not honor its minimum Healthy Mom's/Healthy Kids client assignment capacity commitment as described in subsections (b)(1)(B) ~~and~~ (b)(1)(B) ~~of this Section~~ in this instance.

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the Department may be subject to approval by the Director, deem the hospital ineligible for the adjustments described in subsection (b)(2)(B) of this Section, either in total or in part.

B) Hospitals that qualify for MHVA adjustments under subsections (d)(2)(A) through (d)(2)(C) (b)(2)(e) above shall not be eligible for such MHVA adjustments if they are no longer recognized or designated by the Department as a DSH hospital, as required by subsection (d)(1) (b)(2)(f) above. In this instance, the annual adjustment described in subsections (d)(2)(A) through (d)(2)(C) (b)(2)(f) shall be prorated, as applicable, based upon the date that the hospital was deemed ineligible for DSH payments adjustments, under Section 148.120, by the Department.

C) In no instance shall the final aggregate MHVA payment adjustments calculated under subsection (b)(2)(B) above for all hospitals exceed \$12 million. In the event that aggregate MHVA payment adjustments calculated under subsection (b)(2)(B) exceed \$12 million, each hospital's MHVA payment adjustment shall be calculated under subsection (b)(2)(B) above and shall be adjusted proportionately to ensure the final aggregate MHVA payment adjustments calculated under subsection (b)(2)(B) above for all hospitals do not exceed \$12 million.

4) Medicaid High Volume Adjustment Definitions. The definitions of terms used with reference to calculation of the MHVA adjustments required by subsection (d) (b) are as follows:

A) "Mean Medicaid Inpatient Days" means a fraction the numerator of which is the total number of inpatient days provided in a given 12-month period by all Medicaid participating Illinois hospitals to patients who, for such days, were eligible for Medicaid under title XIX under the Federal Social Security Act (42 U.S.C. Sec. 1396a et seq.) and the denominator of which is the total number of all Medicaid participating Illinois hospitals. Title XIX specifically excludes days of care provided to family and children assistance (formerly known as General Assistance and Aid to the Medically Indigent) days but does include the types of days described in Section 148.120(c)(3). In this paragraph, the term "inpatient day" includes each day in which an individual (including a newborn) is an inpatient in the hospital whether or not the individual is in a specialized ward and whether or not the individual remains in the hospital for lack of suitable placement elsewhere.

B) "MHVA base fiscal year" means, for example, the hospital's fiscal year ending in 1991 for the October 1, 1993, MHVA determination year, the hospital's fiscal year ending in

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1992 for the October 1, 1994, MHVA determination year, etc. B) "MHVA rate period" means, beginning October 1, 1993, the 12 month period beginning on October 1 of the year and ending September 30 of the following year.

B) "Medicaid inpatient days" means the total number of inpatient days provided in a given 12-month period by each hospital to patients who, for such days, were eligible for Medicaid under title XIX under the Federal Social Security Act (42 U.S.C. Sec. 1396a et seq.) Title XIX specifically excludes days of care provided to family and children assistance (formerly known as General Assistance and Aid to the Medically Indigent) days but does include the types of days described in Section 148.120(c)(3). In this subsection (b)(2)(B), the term "inpatient day" includes each day in which an individual (including a newborn) is an inpatient in the hospital whether or not the individual is in a specialized ward and whether or not the individual remains in the hospital for lack of suitable placement elsewhere.

C) "Statewide Average Hospital Payment Rate" means the hospital's alternative reimbursement rate, as defined in Section 148.270(a).

e) Inpatient Payment Adjustments based upon Reviews. Appeals based upon a hospital's ineligibility for the inpatient payment adjustments described in this Section, or their payment adjustment amounts, in accordance with Section 148.310, which result in a change in a hospital's eligibility for inpatient payment adjustments or a change in a hospital's payment adjustment amounts, shall not affect the inpatient payment adjustments of any other hospital or the payment adjustment amount of any other hospital that has received notification from the Department of their eligibility for inpatient payment adjustments based upon the requirements of this Section.

f) Reductions to Total Payments

1) Copayments. Copayments are assessed under all medical programs administered by the Department except the Children and Family Assistance Program, formerly known as the General Assistance medical program and shall be assessed in accordance with Section 148.190.

2) Third Party Payments. Hospitals shall determine that services are not covered, in whole or in part, under any program or under any other private group indemnification or insurance program, health maintenance organization, workers compensation or the tort liability of any third party. To the extent that such coverage is available, the Department's payment obligation shall be reduced.

(Source: Amended at 19 Ill. Reg. 10460, effective JUN 9 1995)

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Section 148.310 Review Procedure

a) Inpatient Rate Reviews

1) Hospitals shall be notified of their inpatient rate for the rate year and shall have an opportunity to request a review of the rate for errors in calculation. Such a request must be received in writing by the Department within 30 days after the date of the Department's notice to the hospital of their rates. The Department shall notify the hospital of the results of the review within 30 days after receipt of the hospital's request for review.

2) Hospitals reimbursed in accordance with Sections 148.250 through 148.300 and 89 Ill. Adm. Code 149 with respect to per diem add-ons for capital, medical education and CRNA costs may request that an adjustment be made to their base year costs to reflect significant changes in costs which have been mandated in order to meet State, federal or local health and safety standards, and which have occurred since the hospital's filing of the base year cost report. The allowable Medicare/Medicaid costs must be identified from the most recent audited cost report available. These costs must be significant, i.e., on a per unit basis, they must constitute one percent or more of the total allowable Medicaid/Medicare unit costs for the same time period. Appeals for base year cost adjustments must be received, in writing, by the Department within 30 days after the date of the Department's notice to the hospital of their rates. Such request shall include a clear explanation of the cost change and documentation of the desired correction. The Department shall notify the hospital of the results of the review within 30 days after receipt of the hospital's request for review.

3) Primary Care Access Health Care Education Payment Reviews Hospitals reimbursed in accordance with 89 Ill. Adm. Code 149-149 with respect to per discharge add-ons for primary care access health care education payment shall:

- A) Be notified of their per discharge add-on amount for the rate period and shall have an opportunity to request a review of the per discharge add-on amount for errors in calculation. Such a request must be received in writing by the Department within 30 days after the date of the Department's notice to the hospital of their per discharge add-on amount. Such a request shall include a clear explanation of the reason for the appeal and documentation of the desired correction. The Department shall notify the hospital of the results of the review within 30 days after receipt of the hospital's request for review.
- B) Be notified of any adjustments that shall be made to their per discharge add-on amount for the rate period as a result of the requirements of 89 Ill. Adm. Code 149-149 and shall

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have an opportunity to request a review of such adjustment determinations for errors in calculation. Such a request must be received in writing by the Department within 30 days of the date of the Department's notice to the hospital of adjustment amounts. Such a request shall include a clear explanation of the reason for the appeal and documentation of the desired correction. The Department shall notify the hospital of the results of the review within 30 days after receipt of the hospital's request for review.

b) DSH Determination Reviews

1) Hospitals shall be notified of their qualification for DSH payment adjustments and shall have an opportunity to request a review of the DSH add-on for errors in calculation. Such a request must be received in writing by the Department within 30 days after the date of the Department's notice to the hospital of its disproportionate share qualification and add-on calculations. Such request shall include a clear explanation of the error and documentation of the desired correction. The Department shall notify the hospital of the results of the review within 30 days after receipt of the hospital's request for review.

2) DSH determination reviews shall be limited to the following:

- A) DSH Determination Criteria. The criteria for DSH determination shall be in accordance with Section 148.120. Review shall be limited to verification that the Department utilized criteria in accordance with State regulations.
- B) Medicaid Inpatient Utilization Rates. Medicaid inpatient utilization rates shall be calculated pursuant to Section 1923 of the Social Security Act and as defined in Section 148.120 (1)(5). Review shall be limited to verification that Medicaid inpatient utilization rates were calculated in accordance with federal and State regulations.
- C) Low Income Utilization Rates. Low income utilization rates shall be calculated in accordance with Section 1923 of the Social Security Act and Section 148.120(a)(2) and (d). Review shall be limited to verification that low income utilization rates were calculated in accordance with federal and State regulations.
- D) Federally Designated Health Manpower Shortage Areas (HMSAs). Illinois hospitals located in federally designated HMSAs shall be identified in accordance with 42 CFR 5, (1989), and Section 148.120(a)(3) based upon the methodologies utilized by, and the most current information available to the Department from the Department of Health and Human Services as of June 30, 1992. Review shall be limited to hospitals in locations that have failed to obtain designation as federally designated HMSAs only when such a request for review is accompanied by documentation from the Department of Health and Human Services substantiating that the

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hospital was located in a federally designated HMSA as of June 30, 1992.

- E) Excess Beds. Excess bed information shall be determined in accordance with Public Act 86-268 Code Section 148.120(a)(3) and 77 Ill. Adm. Code 1100) based upon the methodologies utilized by, and the most current information available to, the Illinois Health Facilities Planning Board as of July 1, 1991. Reviews shall be limited to requests accompanied by documentation from the Illinois Health Facilities Planning Board substantiating that the information supplied to and utilized by the Department was incorrect.

- F) Medicaid Obstetrical Inpatient Utilization Rates. Medicaid obstetrical inpatient utilization rates shall be calculated in accordance with Section 148.120(a)(4), (1)(4), (1)(6) and (1)(7). Review shall be limited to verification that Medicaid obstetrical inpatient utilization rates were calculated in accordance with State regulations.

c) Outlier Adjustment Reviews

The Department shall make outlier adjustments to payment amounts in accordance with 89 Ill. Adm. Code 149.105 or Section 148.130, whichever is applicable. Hospitals shall be notified of the specific information which shall be utilized in the determination of those services qualified for an outlier adjustment and shall have an opportunity to request a review of such specific information for errors in calculation only. Such a request must be received in writing by the Department within 30 days after the date of the Department's notice to the hospital of the specific information which shall be utilized in the determination of those services qualified for an outlier adjustment. Such request shall include a clear explanation of the error and documentation of the desired correction. The Department shall notify the hospital of the results of the review within 30 days after receipt of the hospital's request for review.

d) Cost Report Reviews

- 1) Cost reports are required from:

- A) All enrolled hospitals within the State of Illinois;
B) All out-of-state hospitals providing 100 inpatient days of service per hospital fiscal year, to persons covered by the Illinois Medical Assistance Program; and
C) All hospitals not located in Illinois that elect to be reimbursed under the methodology described in 89 Ill. Adm. Code 149 (the DRG PFS).

- 2) The completed cost statement with a copy of the hospital's Medicare cost report and audited financial statement must be submitted annually within 90 days of the close of the hospital's fiscal year. A one-time 30-day extension may be requested. Such a request for an extension shall be in writing and shall be received by the Department's Office of Health Finance prior to the end of the 90-day filing period. The Office of Health

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Finance shall audit the information shown on the Hospital Statement of Reimbursable Cost and Support Schedules. The audit shall be made in accordance with generally accepted auditing standards and shall include tests of the accounting and statistical records and applicable auditing procedures. Hospitals shall be notified of the results of the final audited cost report which may contain adjustments and revisions which may have resulted from the audited Medicare Cost Report. Hospitals shall have the opportunity to request a review of the final audited cost report. Such a request must be received in writing by the Department within 45 days after the date of the Department's notice to the hospital of the results of the finalized audit. Such request shall include all items of documentation and analysis which support the request for review. No additional data shall be accepted after the 45 day period. The Department shall notify the hospital of the results of the review within 30 days after receipt of the hospital's request for review.

e) Uncompensated-Care-Adjustment-Reviews

The Department shall make uncompensated-care adjustments in accordance with Section 148.150. Hospitals shall have the right to appeal the uncompensated-care rate calculation or their ineligibility for the uncompensated-care rate adjustment if it is believed that a technical error has been made in the calculation. The appeal must be in writing and must be received within 30 days after the date the Department's notice to the hospital of its qualification for uncompensated-care payment adjustment amounts, or a letter of notification that the hospital does not qualify for the uncompensated-care payment adjustment. The Department shall notify the hospital of the results of the review within 30 days after receipt of the hospital's request for review.

e)f) Trauma Center Adjustment Reviews

- 1) The Department shall make trauma care adjustments in accordance with Section 148.290(c). Hospitals shall have the right to appeal the trauma center adjustment calculations if it is believed that a technical error has been made in the calculation. Hospitals located in federally designated HMSAs shall be identified in accordance with 42 CFR 57.1999, based upon the methodologies utilized by, and the most current information available to, the Department from the Department of Health and Human Services as of the first day of July preceding the trauma center adjustment rate period. Review shall be limited to hospitals in locations that have failed to obtain designation as federally designated HMSAs only when such a request for review is accompanied by documentation from the Department of Health and Human Services substantiating that the hospital was located in a federally designated HMSA as of the first day of July preceding the trauma center adjustment rate period.

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2)3) Trauma level designation is obtained from the Illinois Department of Public Health as of the first day of July preceding the trauma center adjustment rate period. Review shall be limited to requests accompanied by documentation from the Illinois Department of Public Health, or the licensing agency in the state in which the hospital is located, substantiating that the information supplied to and utilized by the Department was incorrect.

3)4) Appeals under this subsection (e) (f) must be in writing and must be received within 30 days after the date of the Department's notice to the hospital of its qualification for trauma center adjustments and payment amounts. Such a request shall include a clear explanation of the reason for the appeal and documentation of the desired correction. The Department shall notify the hospital of the results of the review within 30 days after receipt of the hospital's request for review.

g) Rehabilitation-Hospital-Adjustment-Reviews
The Department shall make rehabilitation-hospital adjustments in accordance with Section 148-290(f). Hospitals shall have the right to appeal the rehabilitation-hospital adjustment calculations if it is believed that a technical error has been made in the calculation. The appeal must be in writing and must be received within 30 days after the date of the Department's notice to the hospital of its qualification for rehabilitation-hospital adjustments and payment adjustment amounts. Such a request shall include a clear explanation of the reason for the appeal and documentation of the desired correction. The Department shall notify the hospital of the results of the review no later than 30 days after receipt of the hospital's request for review.

h) Perinatal-Center-Adjustment-Reviews

1) Medicaid-Perinatal-Percentage
Medicaid-perinatal-percentage shall be calculated in accordance with Section 148-290(e). Review shall be limited to verification that perinatal percentages were calculated in accordance with State regulations. Perinatal level designation is obtained from the Illinois Department of Public Health as of the first day of July preceding the perinatal center adjustment rate period. Review shall be limited to requests accompanied by documentation from the Illinois Department of Public Health or the licensing agency in the state in which the hospital is located substantiating that the information supplied to and utilized by the Department was incorrect.

3) Appeals under this subsection (h) must be in writing and must be received within 30 days after the date of the Department's notice to the hospital of its qualification for perinatal center adjustments and payment amounts. Such a request shall include a clear explanation of the reason for the appeal and documentation of the desired correction. The Department shall notify the

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hospital of the request of the review within 30 days after receipt of the hospital's request for review.

2) Medicaid-Obstetrical-Care-Adjustment-Review
Medicaid-obstetrical-percentage shall be calculated in accordance with Section 148-290(f). Review shall be limited to verification that Medicaid-obstetrical percentages were calculated in accordance with State regulations. The appeal must be in writing and must be received within 30 days after the date of the Department's notice to the hospital of its qualification for obstetrical care adjustments and payment amounts. Such a request shall include a clear explanation of the reason for the appeal and documentation of the desired correction. The Department shall notify the hospital of the results of the review within 30 days after receipt of the hospital's request for review.

3) GAP-Adjustments

1) Medicaid-Percentage
Medicaid-inpatient-utilization-rates shall be calculated in accordance with Section 148-290(g). Review shall be limited to verification that Medicaid-inpatient utilization rates were calculated in accordance with State regulations.

2) Medicaid-Obstetrical-Admission-Percentage
Medicaid-obstetrical admission-percentage shall be calculated in accordance with Section 148-290(g)(3). Review shall be limited to verification that Medicaid-obstetrical admission percentages were calculated in accordance with State regulations.

3) Medicaid-Children's-Admission-Percentage
Medicaid-children's admission-percentage shall be calculated in accordance with Section 148-290(g)(4). Review shall be limited to verification that Medicaid-children's admission percentages were calculated in accordance with State regulations.

4) GAP-Bed-Limits
The GAP-bed limits described in Section 148-290(g)(1)(i) and (g)(1)(B) shall be determined in accordance with verification that these GAP-bed limits were determined in accordance with such subsections.

5) Appeals under subsection (j) of this Section must be in writing and must be received within 30 days after the date of the Department's notice to the hospital of its qualification for targeted access adjustments and payment amounts. Such a request shall include a clear explanation of the reason for the appeal and documentation of the desired correction. The Department shall notify the hospital of the results of the review within 30 days after receipt of the hospital's request for review.

f) Medicaid High Volume Adjustment Reviews

The Department shall make Medicaid high volume adjustments in accordance with Section 148.290(d) 148-290(h). Review shall be limited to verification that the Medicaid inpatient days were calculated in accordance with State regulations. The appeal must be

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in writing and must be received within 30 days after the date of the Department's notice to the hospital of its qualification for Medicaid high volume adjustments and payment adjustment amounts. Such a request shall include a clear explanation of the reason for the appeal and documentation of the desired correction. The Department shall notify the hospital of the results of the review within 30 days after receipt of the hospital's request for review.

- 3) Sole Community Hospital Designation Reviews
- The Department shall make sole community hospital designations in accordance with 89 Ill. Adm. Code 149.125(b). Hospitals shall have the right to appeal the designation if it believes that a technical error has been made in the determination. The appeal must be made in writing and must be received within 30 days after notification of the designation. Such a request shall include a clear explanation of the reason for the appeal and documentation of the desired correction. The Department shall notify the hospital of the results of the review no later than 30 days after receipt of the hospital's request for review.

4) Geographic Designation Reviews

- 1) The Department shall make rural hospital designation in accordance with Section 148.25(g)(3). Hospitals shall have the right to appeal the designation if it is believed that a technical error has been made in the determination. The appeal must be in writing and must be received within 30 days after notification of the designation. Such a request shall include a clear explanation of the reason for the appeal and documentation of the desired correction. The Department shall notify the hospital of the results of the review no later than 30 days after receipt of the hospital's request for review.

- 2) The Department shall make urban hospital designations in accordance with Section 148.25(g)(4). Hospitals shall have the right to appeal the designation if it is believed that a technical error has been made in the determination. The appeal must be in writing and must be received 30 days after notification of the designation. Such a request shall include a clear explanation of the reason for the appeal and documentation of the desired correction. The Department shall notify the hospital of the results of the review no later than 30 days after receipt of the hospital's request for review.

(Source: Amended at 19 Ill. Reg. effective
JUN 29 1995 10060)

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Narrative and Planning Policies

- 2) Code Citation: 77 Ill. Adm. Code 1100

- 3) Section Numbers: Adopted Action:

1100.740 Amendment

- 4) Statutory Authority:

Implementing and authorized by the Illinois Health Facilities Planning Act [20 ILCS 3960].

- 5) Effective Date of Amendments: June 30, 1995

- 6) Does this Rulemaking Contain an Automatic Repeal Date? No

- 7) Does this Rulemaking Contain Any Incorporations by Reference? No

- 8) Date Filed in Agency's Principal Office: June 30, 1995

- 9) Date Notice of Proposed Rulemaking was Published in the Illinois Register: February 17, 1995; 19 Ill. Reg. 1799

- 10) Has the Joint Committee on Administrative Rules Issued a Statement of Objections to this/these Rules? No

- 11) Difference Between Proposal and Final Version:

Various technical, editorial, and grammatical changes have been made in response to recommendations of the Joint Committee on Administrative Rules and the Administrative Code Division.

- 12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee? The Department has made all the changes to which it agreed with the Joint Committee.

- 13) Will the Rulemaking Replace an Emergency Rule Currently in Effect? Yes

- 14) Are there any other Amendments Pending on this Part? No

- 15) Summary and Purpose of Amendments:

These rules establish the planning areas, occupancy target and need projection models to be utilized in the selection of sites for sub-acute care facilities. The focus of the changes addressed here are the specific definition of what constitutes a rural area. Adopted rules establish a

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definition of "municipality" as a geographic area designated as a Metropolitan Statistical Area (MSA) by the Bureau of the Census. Under this definition rural areas consist of all areas outside Cook, DuPage, Kane, Lake, McHenry and Will counties and any other county in the municipality definition. Under the census definition many rural counties are included in the MSA's due to their physical proximity to urban areas. Under the competitive review established for sub-acute care projects this places rural hospitals located in these proximity counties in competition with the urban hospitals located within the MSA's. Under the conditions for evaluation this provides the urban facility a distinct advantage in obtaining one of the permits while in rural areas it restricts the number of potential applicants severely. This rulemaking will replace emergency rules that have been in effect since January 31, 1995.

- 16) Information and Questions Regarding this Adopted Repealer Shall be Directed to:

Gail M. DeVito
Administrative Rules Coordinator
Division of Governmental Affairs
535 West Jefferson
Springfield, Illinois 62761

Phone: (217) 782-6187

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER II: DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES
PLANNING BOARD

SUBCHAPTER a: ILLINOIS HEALTH CARE FACILITIES PLAN

PART 1100

NARRATIVE AND PLANNING POLICIES

SUBPART A: GENERAL NARRATIVE

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1100.10	Introduction
1100.20	Authority
1100.30	Purpose
1100.40	Health Maintenance Organizations (Repealed)
1100.50	Subchapter Organization
1100.60	Mandatory Reporting of Data
1100.70	Data Appendices
1100.80	Institutional Master Plan Hospitals (Repealed)
1100.90	Public Hearings

SUBPART B: GENERAL DEFINITIONS

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SUBPART C: PLANNING POLICIES

Section	
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1100.330	Professional Education
1100.340	Public Testimony
1100.350	Multi-Institutional Systems
1100.360	Modern Facilities
1100.370	Occupancy-Utilization Standards
1100.380	Systems Planning
1100.390	Quality
1100.400	Location
1100.410	Needed Facilities
1100.420	Discontinuation
1100.430	Coordination with Other State Agencies

SUBPART D: NEED FORMULAS/UTILIZATION TARGETS

Section	
1100.510	

Introduction, Formula Components and Planning Area Development

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF ADOPTED AMENDMENTS

1100.520	Medical-Surgical/Pediatric Categories of Service
1100.530	Obstetric Category of Service
1100.540	Intensive Care Category of Service
1100.550	Comprehensive Physical Rehabilitation Category of Service
1100.560	Acute Mental Illness Categories of Service
1100.570	Substance Abuse Category of Service
1100.580	Neonatal Intensive Care Category of Service
1100.590	Burn Category of Service
1100.600	Therapeutic Radiology Equipment
1100.610	Open Heart Surgery Category of Service
1100.620	Cardiac Catheterization Services
1100.630	Chronic Renal Dialysis Category of Service
1100.640	Non-Hospital Based Ambulatory Surgery
1100.650	Computer Systems (Repealed)
1100.660	General Long-Term Care Category of Service
1100.670	Specialized Long-Term Care Categories of Service
1100.680	Magnetic Resonance
1100.690	High Linear Energy Transfer (L.E.T.)
1100.700	Positron Emission Tomographic Scanning (P.E.T.)
1100.710	Extracorporeal Shock Wave Lithotripsy
1100.720	Selected Organ Transplantation
1100.730	Kidney Transplantation
1100.740	Subacute Care Hospital Model
1100.750	Postsurgical Recovery Care Center Alternative Health Care Model

APPENDIX A Applicable Codes and Standards Utilized in 77 Ill. Adm.
Code: Chapter II, Subchapter a

AUTHORITY: Implementing and authorized by the Illinois Health Facilities Planning Act [20 ILCS 3960].

SOURCE: Fourth Edition adopted at 3 Ill. Reg. 30, p. 194, effective July 28, 1979; amended at 4 Ill. Reg. 4, p. 129, effective January 11, 1980; amended at 5 Ill. Reg. 4895, effective April 22, 1981; amended at 5 Ill. Reg. 10297, effective September 30, 1981; amended at 6 Ill. Reg. 3079, effective March 8, 1982; emergency amendments at 6 Ill. Reg. 6895, effective May 20, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 11574, effective September 9, 1982; Fifth Edition adopted at 7 Ill. Reg. 5441, effective April 15, 1983; amended at 8 Ill. Reg. 1633, effective January 31, 1984; codified at 8 Ill. Reg. 15476; amended at 9 Ill. Reg. 3344, effective March 6, 1985; amended at 11 Ill. Reg. 7311, effective April 1, 1987; amended at 12 Ill. Reg. 16079, effective September 21, 1988; amended at 13 Ill. Reg. 16055, effective September 29, 1989; amended at 16 Ill. Reg. 16074, effective October 2, 1992; amended at 18 Ill. Reg. 2986, effective February 10, 1994; amended at 18 Ill. Reg. 8448, effective July 1, 1994; emergency amendment at 19 Ill. Reg. 1941, effective January 31, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 2985, effective May 1, 1995; amended at 19 Ill. Reg. 10143, effective June 30, 1995.

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF ADOPTED AMENDMENTS

Section 1100.740 Subacute Care Hospital Model

a) Planning Area:

- 1) the City of Chicago;
- 2) Cook County outside the City of Chicago;
- 3) DuPage, Kane, Lake, McHenry, and Will Counties;
- 4) Municipalities with a population greater than 50,000 not located in the areas described in subsections (a)(1), (2), and (3) of this Section. Municipalities means geographic areas designated as a Metropolitan Statistical Area (MSA) by the Bureau of the Census pursuant to the 1990 census but shall not include any counties within an MSA having a 1990 population of less than 35,000. Counties with a 1990 population less than 35,000 and which are located in an MSA are: Boone, Clinton, Grundy, Jersey, Menard, Monroe, and Woodford counties. These counties shall be classified as rural areas pursuant to subsection (a)(5) of this Section; and
- 5) Rural areas, i.e., all areas exclusive of subsections (a)(1), (2), (3), and (4) of this Section.

b) Age groups: All ages

c) Occupancy Targets: Modernization/Establishment 75%

d) Bed capacity:

- 1) the lesser of measured bed capacity or functional bed capacity per individual room utilized for subacute care for facilities licensed or operated pursuant to the Hospital Licensing Act (411 Rev-Stat--1991-CH--111-1/27--par--142-et-seq-) [210 ILCS 85]; or
- 2) the licensed bed capacity per individual room utilized for subacute care for facilities licensed pursuant to the Nursing Home Care Act (411 Rev-Stat--1991-CH--111-1/27--par--415-et-seq-) [210 ILCS 45].

e) Need Determination: There shall be no more than:

- 1) Three subacute alternative health care models in the City of Chicago; one in an existing licensed hospital, one in an existing licensed long-term care facility and one located on a designated site which shall have been licensed as a hospital under the Illinois Hospital Licensing Act within the ten years immediately before the application for a license (Section 30 of the Alternative Health Care Delivery Act-P-A- [210 ILCS 3/30]) but which is not now currently operating as such.
- 2) Two subacute alternative health care models in Cook County outside the city of Chicago; one of which must be located in an existing licensed hospital and the other in an existing licensed long-term care facility.
- 3) Two subacute alternative health care models in DuPage, Kane, Lake, McHenry and Will Counties; one of which must be located in an existing licensed hospital and the other in an existing licensed long-term care facility.
- 4) Two subacute alternative health care models in municipalities

DEPARTMENT OF PUBLIC HEALTH/HEALTH FACILITIES PLANNING BOARD

NOTICE OF ADOPTED AMENDMENTS

with a population greater than 50,000 not located in areas included in subsections (e)(1), (2), or (3) of this Section; one of which must be located in an existing licensed hospital and the other in an existing licensed long-term care facility.

- 5) Four subacute alternative health care models in rural areas; two of which must be located in existing licensed hospitals and the other two in existing long-term care facilities.

- f) Beds approved for a subacute care hospital model shall be inventoried for the category of service utilized prior to permit issuance during the demonstration period.

- 9) If after a period of one year from the effective date of this regulation, the need in a planning area for a subacute care hospital model to be located in either an existing licensed hospital or long-term care facility has not been met, the need may be met by either an existing hospital or an existing long-term care facility.

(Source: Amended at 19 Ill. Reg. **10143**, effective
JUN 30 1995)

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Assessment for Determining Eligibility and Rehabilitation Needs

- 2) Code Citation: 89 Ill. Adm. Code 553

- 3) Section Numbers: Adopted Action:

553.20 Amendments

- 4) Statutory Authority: Implementing and authorized by Section 3(a), (b) and (k) of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3(a), (b) and (k)].

- 5) Effective Date of Rulemaking: June 29, 1995

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does this rulemaking contain incorporations by reference? No

- 8) Date Filed in Agency's Principal Office: June 29, 1995

- 9) Notice of Proposal Published in Illinois Register: January 27, 1995, 19 Ill. Reg. 842

- 10) Has JCAR issued a Statement of Objections to these rules? No

- 11) Difference(s) between proposal and final version: Technical changes only

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

- 13) Will this rulemaking replace an emergency rule currently in effect? No

- 14) Are there any amendments pending on this Part? Yes

Section Numbers	Adopted Action	Illinois Register Citation
553.130	Amendment	19 Ill. Reg. 7305
553.140	Amendment	19 Ill. Reg. 7305
553.150	New	19 Ill. Reg. 7305

- 15) Summary and Purpose of Rulemaking: The proposed amendments add the definition of "individual with a disability" from the Rehabilitation Act of 1973, as amended by the Rehabilitation Act Amendments of 1992 (P.L. 102-569) to the text of the rule. This is done to assist the reader as previously the rule only contained the citation to the definition.

- 16) Information and questions regarding this adopted amendment shall be

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

directed to:

Ms. Susan Warner, Manager
 Regulations and Procedures Division
 Department of Rehabilitation Services
 P.O. Box 19429
 Springfield, IL 62794-9429
 (217) 785-3896 or TTY: (217) 785-9301

The full text of the Adopted Amendment begins on the next page:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
 CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES
 SUBCHAPTER b: VOCATIONAL REHABILITATION

PART 553

ASSESSMENT FOR DETERMINING ELIGIBILITY AND
 REHABILITATION NEEDS

Section	
553.10	General Applicability
553.20	Basis for the Determination of Eligibility
553.30	Presumption of Benefit from Vocational Rehabilitation Services
553.35	Services to Non-United States Citizens
553.40	Eligibility Determination Time Frames
553.50	Outcome of the Eligibility Determination
553.60	Documentation of Eligibility Factors/Preliminary Assessment
553.70	Certification of Eligibility
553.80	Extended Evaluation
553.90	Outcome of Extended Evaluation
553.100	Comprehensive Assessment of Rehabilitation Needs
553.105	Assistance in Attaining Necessary Financial Support
553.110	Outcome of the Comprehensive Assessment of Rehabilitation Needs
553.120	Change in Eligibility Status
553.130	Order of Selection
553.140	Criteria for Severe Disability

AUTHORITY: Implementing and authorized by Section 3(a), (b), and (k) of the Disabled Persons Rehabilitation Act (Ill. Rev. Stat. 1991, ch. 23, par. 3434(a), (b), and (k)) (20 ILCS 2405/3(a), (b), and (k)).

SOURCE: Emergency rules adopted at 17 Ill. Reg. 11657, effective July 1, 1993, for a maximum of 150 days; adopted at 17 Ill. Reg. 20346, effective November 15, 1993; amended at 19 Ill. Reg. 1834, effective February 6, 1995; amended at 19 Ill. Reg. 10149, effective JUN 29 1995.

Section 553.20 Basis for the Determination of Eligibility

An individual shall be determined to be eligible to receive services through the VR Program if he/she:

- a) is an individual with a disability as defined in Section 7(8)(A) of the Rehabilitation Act of 1973 (29 USCA 701 et seq.), as amended (Act). Pursuant to the Act, to be an individual with a disability, an individual must have a physical or mental impairment which results in a substantial impediment to employment, and who can benefit from vocational rehabilitation services in terms of an employment outcome; and
- b) requires VR services to prepare for, enter, engage in, or retain

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

gainful employment.

Source: Amended at 19 Ill. Reg. **10149**, effective
June 9 1995

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Services
 - 2) Code Citation: 89 Ill. Adm. Code 590
 - 3) Section Numbers: Adopted Action:
590.250 Amendments
 - 4) Statutory Authority: Implementing Section 3 of the Disabled Persons Rehabilitation Act (20 ILCS 2405/3), and authorized by Section 16 of the Civil Administrative Code of Illinois (20 ILCS 5/16).
 - 5) Effective Date of Rulemaking: June 29, 1995
 - 6) Does this rulemaking contain an automatic repeal date? No
 - 7) Does this rulemaking contain incorporations by reference? No
 - 8) Date Filed in Agency's Principal Office: June 29, 1995
 - 9) Notice of Proposal Published in Illinois Register: January 6, 1995, 19 Ill. Reg. 28
 - 10) Has JCAR issued a Statement of Objections to these rules? No
 - 11) Difference(s) between proposal and final version: Authority note updated and in lines 150 and 151 "highest" was replaced by "most expensive". Other minor technicals recommended by JCAR were changed.
 - 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
 - 13) Will this rulemaking replace an emergency rule currently in effect? No
 - 14) Are there any amendments pending on this Part? Yes
- | Section Numbers | Adopted Action | Illinois Register Citation |
|-----------------|----------------|----------------------------|
| 590.400 | Amendment | 18 Ill. Reg. 14627 |
| 590.410 | Amendment | 18 Ill. Reg. 14627 |
- 15) Summary and Purpose of Rulemaking: To clarify DORS' policy regarding financial participation in the cost of a customer attending an out-of-state training program when comparable training is available within Illinois. This is not a change in policy, merely a clarification.
 - 16) Information and questions regarding this adopted amendment shall be directed to:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

Ms. Susan Warrner, Manager
 Regulations and Procedures Division
 Department of Rehabilitation Services
 P.O. Box 19429
 Springfield, IL 62794-9429
 (217) 785-3896 or TTY: (217) 785-9301

The full text of the Adopted Amendment begins on the next page:

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
 CHAPTER IV: DEPARTMENT OF REHABILITATION SERVICES
 SUBCHAPTER b: VOCATIONAL REHABILITATION

PART 590
 SERVICES

SUBPART A: APPLICABILITY

Section
 590.10
 590.20
 590.30
 590.35
 590.40

General Applicability
 Availability of Services
 Effect of Financial Status on Services
 Effect of Comparable Benefits
 Choice of Service Providers

SUBPART B: MEDICAL, PSYCHOLOGICAL AND RELATED SERVICES

Section
 590.50
 590.60
 590.70
 590.80
 590.90
 590.100
 590.110
 590.120
 590.130
 590.140
 590.150
 590.160
 590.170
 590.180
 590.190

Provision of Services
 Qualification of Medical and Psychological Service Providers
 Treatment of Acute Conditions
 Medication and Treatment
 Hearing Aids
 Binaural Hearing Aids
 Speech and Language Services
 Low Vision Aids
 Mental Restoration Services
 Heart Surgeries
 Kidney Transplant and Related Services
 Chiropractic Services
 Prosthetic and Orthotic Device
 Wheelchairs
 Prohibited Services

SUBPART C: TRAINING AND RELATED SERVICES

Section
 590.200
 590.210
 590.220
 590.230
 590.240
 590.250
 590.260
 590.270
 590.280
 590.290

Provision of Services
 Qualification of Training Facilities/Institutions
 Purpose and Types of Training
 Financial Guidelines for Training Services
 Graduate School Training
 Choice of Training Facility/Institution
 Summer School
 Grades
 Health Status
 On-the-Job Training

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

590.300 Default on Educational Loans

SUBPART D: TOOLS, EQUIPMENT, SUPPLIES AND INITIAL STOCK

Section

590.310 Provision of Services
 590.320 Self-Employment Program
 590.330 Services/Goods not Available
 590.340 Bidding Requirements
 590.350 Recovery of Tools, Equipment, Supplies and Initial Stock
 590.360 Transfer of Title
 590.370 Limitation of Financial Participation

SUBPART E: VEHICLE ADAPTATION AND ENVIRONMENTAL MODIFICATION

Section

590.375 Provision of Services
 590.380 Vendor Requirements
 590.390 Bidding Requirements
 590.400 Vehicle Adaptation
 590.410 DORS Financial Participation in Van Adaptation
 590.420 Environmental Modification
 590.430 Written Agreements for Environmental Modification
 590.440 Compliance with Capital Development Board Specifications

SUBPART F: PERSONAL SUPPORT SERVICES AND AUXILIARY AIDS

Section

590.450 Provision of Services
 590.460 Types of Services
 590.470 Services
 590.480 Qualifications for Services Provided by Individuals
 590.490 Payment for Support Services Provided by Individuals and Conditions of Service Provision

SUBPART G: COMPUTER EQUIPMENT AND SENSORY AID LOAN

Section

590.500 Provision of Services
 590.510 Definitions
 590.520 Purpose of Equipment Loans
 590.530 Criteria for Loan of Equipment/Aids
 590.540 Equipment/Aids Loan Request Procedures and Approval Process
 590.550 Duration of Loans
 590.560 Maintenance and Return of Equipment/Aids
 590.570 Assistance in Obtaining Permanent Equipment/Aids
 590.580 Limitations on Available Equipment/Aids

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

SUBPART H: OTHER SERVICES

Section

590.590 Provision of Services
 590.600 Transportation and Temporary Lodging
 590.610 Other Goods and Services
 590.620 Equipment Sets

SUBPART I: PLACEMENT

Section

590.630 Provision of Placement Services
 590.640 Description of Services

SUBPART J: MAINTENANCE

Section

590.650 Provision of Services
 590.660 Definitions
 590.670 Determination of the Need for Maintenance
 590.675 Determination of Client Financial Participation in Maintenance
 590.680 Exceptions to Basic Needs Level

SUBPART K: POST-EMPLOYMENT SERVICES

Section

590.700 Provision of Services
 590.710 Definitions
 590.720 Scope of Services

SUBPART L: TRANSITION

Section

590.730 Provision of Services
 590.740 Definitions
 590.750 Secondary Transitional Experience Program (STEP)

AUTHORITY: Implementing Section 3 of the Disabled Persons Rehabilitation Act [20 ILCS 2405/3], and authorized by Section 16 of the Civil Administrative Code of Illinois [20 ILCS 5/16].

SOURCE: Emergency Rules adopted at 17 Ill. Reg. 11812, effective July 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 20461, effective November 15, 1993; amended at 18 Ill. Reg. 11275, effective June 30, 1994; emergency amendment at 18 Ill. Reg. 16468, effective October 20, 1994, for a maximum of 150 days; amended at 19 Ill. Reg. 7435, effective May 19, 1995; amended at 19 Ill. Reg. 10153, effective JUN 29 1995.

SUBPART C: TRAINING AND RELATED SERVICES

DEPARTMENT OF REHABILITATION SERVICES

NOTICE OF ADOPTED AMENDMENTS

Section 590.250 Choice of Training Facility/Institution

a) To the maximum extent possible, the client customer shall have the choice of the training facility/institution he/she will attend in completion of his/her IWRP (89 Ill. Adm. Code 572). However, facilities within the State of Illinois shall be given preference and State operated institutions of higher education shall be given preference over private and out-of-state institutions.

b) ~~While~~ Although in-state, State operated facilities and local community college must be given preference, a client's customer's choice to attend a private or out-of-state facility/institution may be approved if:

- 1) there is no comparable training at a State operated facility, in-state facility, or the client's customer's local community college as verified by the counselor based on information regarding curriculum, recommendation of colleagues, and past experience with facilities/institutions offering training in the area of the client's customer's employment objective;
- 2) the cost of the training at the private or out-of-state facility/institution is less than that of the same or similar training at a State operated facility/institution, in-state facility/institution or local community college;
- 3) because of the client's customer's particular impediments to employment, no State operated facility/institution, in-state facility/institution or the local community college is accessible for the client customer. Whether a private-or-out-of-state an in-state facility's/institution's training is comparable-to-that offered-at-an-in-state-facility/institution--State-operated facility/institution-or-local-community-college accessible to the customer shall be determined by the counselor based on information regarding curriculum, recommendations of colleagues and past experience with facilities/institutions offering training in the area of the client's customer's employment objective.

c) If none one-or-more of the circumstances listed in 89 Ill. Adm. Code 590.250(b) above is not met, DORS may shall only authorize the total cost of tuition, fees and maintenance up to the cost of attending the most expensive State operated facility (89 Ill. Adm. Code 590, Subpart H J), less scholarships, other comparable benefits (89 Ill. Adm. Code 567), and required client customer financial participation (89 Ill. Adm. Code 562) up-to-the-cost-of-the-highest-State-operated-facility. If one or more of the criteria is met, DORS may authorize up to the total cost of the training, less scholarship, comparable benefits and client customer financial participation.

(Source: Amended at 19 Ill. Reg. **10153**, effective **JUN 29 1995**)

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Issuance of Licenses

2) Code Citation: 92 Ill. Adm. Code 1030

3) Section Numbers: Adopted Action:

1030.60 Amendment
1030.98 New Section

4) Statutory Authority: Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code (625 ILCS 5/2-104(b)) and Section 6-104(a) of the Illinois Driver Licensing Law of the Illinois Vehicle Code (625 ILCS 5/6-104(a)).

5) Effective Date of Rulemaking: June 29, 1995

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: June 29, 1995

9) Notice of Proposal Published in Illinois Register: 19 Ill. Reg. 5957, April 21, 1995

10) Has JCAR issued a Statement of Objections to these rules? No

11) Difference(s) between proposal and final version:

a) Suggested changes and corrections by the Administrative Code Division and Joint Committee on Administrative Rules are as follow:

1. In line 50 - corrected ILCS.
2. In line 80 - changed 7/26/92 to 7/16/92.
3. In line 82 - added "for a maximum of 150 days".
4. In line 99 - capped State.
5. In lines 106-109 - italicized statutory text.
6. In line 107 - changed state to lower case.
7. In line 149 - cited was moved inside sentence. Also in line 158.
8. In line 154 - omitted comma.

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

9. In lines 167-168 - corrected citations.
10. In lines 213-226 - realigned complete paragraph.
11. In lines 217, 218, 220, 222 and 224, the subsections were realigned.
12. In line 222, the word "Provide was deleted and the following word, "additional", was capitalized.
13. In lines 232-233 - added correct cites.
14. In line 230 - omitted comma.
15. In lines 233-247 - CFR Material was cited in accordance with Section 5-75 of the Illinois Administrative Procedures Act.
16. In lines 346-349, 500-502 and 525-527, updated citations and Act names.
17. In lines 373-380 - corrected language.
18. In line 426 - struck extra comma. Also on line 446.
19. In line 429 - struck extra period.
20. In line 456 - omitted extra period.
21. In lines 531-549 - language corrected.
22. In line 537 - changed end punctuation for consistency.
23. In lines 550-565 - language changed.
24. In lines 566-571 - language changed.
25. In line 572 - new paragraph added.
26. In line 586 - omitted extra comma.
27. In line 630 - used correct amendatory style (strike in one place and underline in another).
28. In lines 632-667 - made text fit Ill. Adm. Code subsectioning limitations.
29. In line 683 - changed format to follow rest of subsection.

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

30. In line 686 - omitted redundant "in". Also in line 743.
31. In lines 830 and 832 - omitted opening parentheses.
32. In line 868 - corrected Ill. Adm. Code cite.
33. In line 902 - changed word "Part" to "Section".
34. In line 908 - corrected ILCS cite.
35. In lines 909-911 - italicized statutory language.
36. In lines 918-928 - realigned labels.
37. In line 924 - added GVWR.
38. In line 937 - omitted unnecessary "or not".
39. In line 946 - changed ";" to ",".
40. In lines 952-972 - realigned labels.
41. In lines 958-991 - the definition of "School Bus" was changed and also realigned.
42. In line 967 - changed "regularly" to "regular".
43. In lines 969 and 971-972 - corrected ILCS.
44. In line 971 - changed 6-808 to 3-808.
45. In line 987 - changed "drivers" to "driver's".
46. In lines 1010-1012 - italicized statutory language.
47. In line 1019 - corrected cites.
48. In lines 1027-1028 - corrected cites.
49. In lines 1041-1042 and line 1046 - changed ";" to ",".
50. In lines 1048-1050 - restructured language.
51. In lines 1058-1060 - moved amount to end of description.
52. In line 1081 - added Section 6-520.
53. In line 1084 - corrected ILCS cite.

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12) Have all the changes agreed upon by the Agency and JC&R been made as indicated in the Agreement Letter issued by JC&R? N/A

13) Will this rule replace any Emergency Rule(s) currently in effect? No

14) Are there any other amendments pending on this Part? No.

15) Summary and Purpose of Rule: This proposed rulemaking sets forth the procedure for the issuance of a Restricted Class B Commercial Driver's License for farm-related service industries pursuant to Public Act 88-450.

16) Information and answers to questions regarding this Adopted Rule should be directed to:

Mark A. Novak
Assistant Counsel to the Secretary
2701 S. Dirksen Parkway
Springfield, IL 62723
(217) 782-5356

The full text of the Adopted Rule begins on the next page.

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATE

PART 1030
ISSUANCE OF LICENSES

Section	
1030.10	What Persons Shall Not be Licensed or Granted Permits
1030.11	Procedure for Obtaining a Driver's License
1030.12	Driver's License Medical Advisory Board
1030.13	Denial of License or Permit
1030.15	Cite for Re-examination
1030.17	Errors in Issuance of Driver's License/Cancellation
1030.20	Classification of Drivers-References
1030.30	Classification Standards
1030.40	Fifth Wheel Equipped Trucks
1030.50	Bus Driver's Authority, Religious Organization and Senior Citizen Transportation
1030.55	Commuter Van Driver Operating a For-Profit Ridesharing Arrangement
1030.60	Third-Party Certification Program
1030.63	Religious Exemption for Social Security Numbers
1030.65	Instruction Permits
1030.70	Driver's License Testing/Vision Screening
1030.75	Driver's License Testing/Vision Screening with Vision Aid
1030.80	Arrangements Other Than Standard Eye Glasses or Contact Lens(es)
1030.81	Driver's License Testing/Written Test
1030.84	Endorsements
1030.85	Vehicle Inspection
1030.86	Driver's License Testing/Road Test
1030.88	Multiple Attempts/Road Test
1030.89	Exemption of Facility Administered Road Test
1030.90	Temporary Licenses
1030.91	Requirement for Photograph and Signature of Licensee on Driver's License
1030.92	Disabled Person/Handicapped Identification Card
1030.93	Restrictions
1030.94	Restricted Local Licenses
1030.95	Duplicate or Corrected Driver's License or Instruction Permit
1030.96	Diplomatic and Consular Licenses
1030.97	Restricted Commercial Driver's License
1030.98	Invalidation of a Driver's License or Permit
1030.99	School Bus Commercial Driver's License
1030.100	Anatomical Gift Donor
1030.110	Emergency Medical Information Card
1030.115	Change-of-Address
1030.120	Issuance of a Probationary License
1030.130	Grounds for Cancellation of a Probationary License
APPENDIX A	Questions Asked of a Driver's License Applicant

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENTS

APPENDIX B Acceptable Identification Documents

AUTHORITY: Implementing Article I of the Illinois Driver Licensing Law of the Illinois Vehicle Code (625 ILCS 5/Ch. 6, Art. I) and authorized by Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code (625 ILCS 5/2-104(b)).

SOURCE: Filed March 30, 1971; amended at 3 Ill. Reg. 7, p. 13, effective April 2, 1979; amended at 4 Ill. Reg. 27, p. 422, effective June 23, 1980; amended at 6 Ill. Reg. 2400, effective February 10, 1982; codified at 6 Ill. Reg. 12674; amended at 9 Ill. Reg. 2716, effective February 20, 1985; amended at 10 Ill. Reg. 303, effective December 24, 1985; amended at 10 Ill. Reg. 18182, effective October 14, 1986; amended at 11 Ill. Reg. 9331, effective April 28, 1987; amended at 11 Ill. Reg. 18292, effective October 23, 1987; amended at 12 Ill. Reg. 3027, effective January 14, 1988; amended at 12 Ill. Reg. 13221, effective August 1, 1988; amended at 12 Ill. Reg. 16915, effective October 1, 1988; amended at 12 Ill. Reg. 19777, effective November 15, 1988; amended at 13 Ill. Reg. 5192, effective April 1, 1989; amended at 13 Ill. Reg. 7808, effective June 1, 1989; amended at 13 Ill. Reg. 12880, effective July 19, 1989; amended at 13 Ill. Reg. 12880, effective July 19, 1989; amended at 13 Ill. Reg. 12978, effective July 19, 1989; amended at 13 Ill. Reg. 13898, effective August 22, 1989; amended at 13 Ill. Reg. 15112, effective September 8, 1989; amended at 13 Ill. Reg. 17095, effective October 18, 1989; amended at 14 Ill. Reg. 4570, effective March 8, 1990; amended at 14 Ill. Reg. 4908, effective March 9, 1990; amended at 14 Ill. Reg. 5183, effective March 21, 1990; amended at 14 Ill. Reg. 8707, effective May 16, 1990; amended at 14 Ill. Reg. 9246, effective May 16, 1990; amended at 14 Ill. Reg. 9498, effective May 17, 1990; amended 14 Ill. Reg. 10111, effective June 11, 1990; amended at 14 Ill. Reg. 10510, effective June 18, 1990; amended at 14 Ill. Reg. 12077, effective July 5, 1990; amended at 14 Ill. Reg. 15487, effective September 10, 1990; amended at 15 Ill. Reg. 15783, effective October 18, 1991; amended at 16 Ill. Reg. 2182, effective January 24, 1992; emergency amendment at 16 Ill. Reg. 12228, effective July 16, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 18087, effective November 17, 1992; emergency amendment at 17 Ill. Reg. 1219, effective January 13, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 2025, effective February 1, 1993; amended at 17 Ill. Reg. 7065, effective May 3, 1993; amended at 17 Ill. Reg. 8275, effective May 24, 1993; amended at 17 Ill. Reg. 8522, effective May 27, 1993; amended at 17 Ill. Reg. 19315, effective October 22, 1993; amended at 18 Ill. Reg. 1591, effective January 14, 1994; amended at 18 Ill. Reg. 7478, effective May 2, 1994; amended at 18 Ill. Reg. 16457, effective October 24, 1994; amended at 19 Ill. Reg. 10159, effective **JUN 29 1995**.

Section 1030.60 Third-Party Certification Program

- a) The Secretary of State shall adopt the following definitions for the terms listed as follows:

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"Branch Facility" - a separate instructional facility operated and directly supervised by a third-party certifying entity at a location different from the principal location of the third-party certifying entity.

"Business Day" - any day on which the Office of the Secretary of State is open; Monday through Saturday, excluding State holidays.

"Candidate for Employment or by Membership" - one who is offered a written contract of employment contingent upon successfully completing the training course.

"CDL Skills Test" - tests given to an applicant who is attempting to obtain a Commercial Driver's License (CDL).

"Commercial Driver's License (CDL)" - a driver's license issued by a state to a person, which authorizes that person to drive a certain class of commercial motor vehicle or vehicles and driver's license issued by a state to a person which authorizes that person to drive a certain class of commercial motor vehicle or vehicles. [625 ILCS 5/6-500(3)] ~~Ill. Reg. 1987-CH-95-127-Par. 6-500(3)†~~

"Department" - Department of Driver Services within the Office of the Secretary of State.

"Driver Applicant" - an individual employed by or otherwise candidate for employment or by membership, associated, by employment or by membership with a third-party certifying entity, who participates in the third-party certification program.

"Fraud" - includes anything calculated to deceive, whether it be a single act or combination of circumstances, whether the suppression of truth or the suggestion of what is false, whether it be by direct falsehood or by innuendo, by speech or by silence.

"Motor Vehicle" - any properly registered vehicle meeting the description of the vehicle group of the class the driver applicant operates, or expects to operate.

"Non-CDL Skills Test" - any drive test given to an applicant who is attempting to obtain a driver's license except for a D classification, a CDL or a CDL endorsement.

"Passenger Endorsement" - an indication on the driver's license that the driver has qualified to operate a vehicle designed to

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transport 16 or more persons, including the driver.

"Restriction" - requirement or condition first added to a driver's license which must first be met by the license holder before he/she may legally operate a motor vehicle.

"Safety Officer" - any individual employed by a third-party certifying entity who is licensed for the purpose of conducting the skills test to conduct the skills test and to determine for certification purposes that a driver applicant has been tested and meets the same qualifications required by the Secretary of State.

"Secretary of State" - Illinois Secretary of State.

"Third-Party Certification License" - a license issued by the Secretary of State to conduct a qualified third-party certification program, pursuant to Section 6-508 of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-508]. ~~(((11-Rev, Stat, 1987, ch, 95-1, 27-par, 6-508))~~

"Third-Party Certification Program" - a program designed by the Secretary of State allowing third-party entities to provide to employees and candidates for employment or by membership members a qualified training program of classroom and/or behind-the-wheel ~~behind-the-wheel-and-or-classroom~~ testing for the purpose of certifying to the Secretary of State that a driver applicant is qualified to operate a motor vehicle without the Secretary of State having to administer a road test pursuant to Section 6-508 of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/6-508]. ~~(((11-Rev, Stat, 1987, ch, 95-1, 27-par, 6-508))~~

"Third-Party Certifying Entity" - any third-party entity licensed by the Secretary of State to engage in a third-party certification program.

"Training Vehicle" - a motor vehicle registered and insured by a licensed Commercial Driver Training School in accordance with Section 6-410 of the Illinois Vehicle Code [625 ILCS 5/6-410] and 92 Ill. Adm. Code 1060.110(d)(7) and used for the sole purpose of training and testing.

b) The Secretary of State shall not require an actual demonstration of the ability of the driver applicant to operate and exercise ordinary and reasonable control of a motor vehicle for purposes of third-party certification programs, if the third-party certifying entity complies with the following requirements:

1) License Required. - No person, firm, association, partnership or

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corporation shall operate a third-party certification program, unless a license has been issued by the Secretary of State.

2) Certify Only Employees or Members. - A third-party certifying entity shall certify only those driver applicants who are employed and on the payroll of the entity, or are members at the time of certification.

3) An entity may test and certify individuals who are not employees or members provided the entities meet the following conditions: ~~Require--instruction--Permit---Before--a driver-applicant may be certified--by--a third-party--certifying entity---the--driver applicant--must--first--obtain--an--instruction--Permit--from the Secretary of State for the--specific--vehicle--classification--in which they intend to be licensed--if not previously licensed--in a classification--representative of--the--vehicle--the--applicant intends--to--drive-~~

A) ~~The entity must own or lease at least seven (7) training vehicles in the classification in which they skills test.~~

B) ~~The entity must maintain at least seven (7) licensed safety officers who must skills test a minimum of twelve (12) employees or candidates for employment or membership within a 12-month period.~~

C) ~~In the event the entity is a driving school, the instructor who gives the preponderance of training to a driver applicant cannot administer the skills test to the driver applicant.~~

D) ~~The driver applicant must be a candidate for employment and be eligible to be employed by the third-party entity upon successfully completing and passing all of the requirements of the third-party certification program and obtaining a CDL.~~

E) ~~The third party certifying entity must employ seventy-five percent (75%) of those driver applicants who successfully complete the third-party certification program and obtain a CDL.~~

F) ~~Any applicant for certification as a third party tester may submit with its application a request for a waiver of the requirement that the third-party tester employ a minimum of 75% of those tested. Such request shall include the following:~~

- i) ~~Number of drivers employed by the applicant.~~
- ii) ~~Distance from the Department's nearest driver examination point.~~
- iii) ~~Estimated number of employees per year who will require CDL skills testing.~~
- iv) ~~Additional information to support waiver request.~~
- v) ~~The Department will consider the request and notify the applicant in writing of its decision after reviewing and evaluating the application.~~

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- G) Any fees due from individuals tested may not be accepted by the entity until after sixty (60) days after successful completion of the training program, or the individual is no longer employed by the entity or has declined the offer of employment.
- H) The entity must have a training program that meets the requirements contained in 49 CFR 383.110-121 (1995) (49 U.S.C. 3102; 49 U.S.C. App. 12701 et seq.; 49 C.F.R. 1.48) (No later amendments are incorporated herein.)
- i) The entity must submit a copy of its training program to the Secretary of State for approval.
 - ii) The entity must follow the approved training course and maintain its training records for four (4) years.
- I) The entity must provide copies of contract forms between the entity and individuals tested to the Secretary of State.
- J) The entity must have a minimum of 300 square feet of classroom space.
- K) Any third-party entity testing individuals who are not employees or members will have a sample percentage of certified driver applicants reexamined annually in accordance with 49 CFR 383.75(a)(2)(iv).
- C) Issuance and Renewal of Licenses
- 1) When an application is submitted for an original third-party certification license, or safety officer license, the applicant or applicants shall not conduct any business as a third-party certifying entity or safety officer until a license is issued by the Secretary of State pursuant to the requirements contained in subsections (d) and (i).
 - 2) When an application is made for the renewal of an existing third-party certification license or a safety officer license, the applicant shall have the authority to continue to conduct business as a third-party certifying entity or a safety officer until the renewal application is granted or denied by the Department, provided the application has been filed in a timely manner as provided in subsection (f)(4) of this Section. The application for said license shall be made in the same manner as an application for a original third-party certification license or safety officer license.
 - 3) Licenses may not be assigned. No individual, partnership, association, or corporation may sell, assign, barter or trade a third-party certification license or safety officer license issued by the Secretary of State.
 - 4) The Secretary may allow entities, otherwise ineligible to be licensed as a third-party certifying entity, to conduct a third-party certification program on a trial basis, not to exceed one year. At the close of the trial period, the Secretary will determine whether the entities participating in the pilot program shall be granted third-party certification entity status under

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- this Rule.
- d) Requirements - Third-Party Certification Entities
- 1) The entity shall have at least one employee who is licensed or qualified to be licensed as a safety officer for the third-party certification program. Entities certifying non-members or non-employees must employ seven (7) licensed safety officers as provided in subsection (b)(3)(B).
 - 2) The entity shall have a regularly established place of business in the State of Illinois and operate or have access to appropriate vehicles, with the exception of employers having a regular place of business in a contiguous state, e.g. Indiana, Missouri, Wisconsin, Iowa and Kentucky. Any entity having their headquarters in a border state and wishing to participate in the third-party certification program, shall have an appointed agent, for purposes of this program, who is licensed as a safety officer and holds a valid Illinois driver's license or a CDL issued by a contiguous state.
 - 3) The entity shall submit to the Department a copy of any subcontract of services described in this Part.
 - 4) The entity shall have a prescribed physical driving course for each location and be required to meet a driving skills test with the same minimum standards as the course used for examination by the Secretary of State (92 Ill. Adm. Code 1030.85).
 - 5) The entity shall have access to a properly registered motor vehicle which meets the definition of the vehicle group of the classification that the driver applicant operates or expects to operate. Entities certifying non-members or non-employees must maintain at least seven (7) owned or leased training vehicles as provided in subsection (b)(3)(A).
 - 6) The entity shall provide the driver applicant, who takes and passes the skills tests, with documented proof (Secretary of State's driver test form) of the same, which shall evidence to the Department that the individual has successfully passed the skills tests administered by the third-party certifying entity.
 - 7) The entity shall collectively submit completed application forms to the Department for each main office, branch office and safety officer.
 - 8) The entity shall have and use a business telephone listing for all business purposes.
 - 9) If a licensed safety officer is temporarily suspended, laid-off or discharged by a third-party certifying entity, the entity shall immediately notify the Secretary of State, on forms furnished by the Secretary of State, of the name, address and license number of the safety officer, such officer's termination date and reason for termination. In all cases where a safety officer has ceased working for the third-party certifying entity, the safety officer must surrender his/her license to the Secretary of State.

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10) Facility

A) The established place of business of each third-party certifying entity must consist of at least the following permanent facilities:

- i) an office facility;
- ii) appropriate space (an area at least 15 feet wide by 100 feet long) to conduct all basic control skills tests (92 Ill. Adm. Code 1030.85).

B) A third-party certifying entity which has an established place of business may operate a branch facility provided the branch facility meets all requirements of the main facility (subsections (d)(10)(A) and (d)(10)(D)).

C) Upon receipt by the Secretary of State of written request to open a branch facility, an authorized representative of the Secretary of State shall inspect the branch facility and, if it complies with the provisions of this rule, shall issue the appropriate license which must be displayed in a visibly prominent place in the branch facility.

D) Location must comply with public health and safety standards contained in the Public Building Egress Act [415 ILCS 55], the Natural Gas Odor Injection Act [430 ILCS 25], and the Environmental Barriers Act [410 ILCS 25] ~~and the~~ ~~3987-Chs-111-1-27-pars-3501-3710.~~

11) Records - All third-party certifying entities licensed by the Secretary of State must maintain a record showing the name and address of each driver certified by the entity, the instruction permit or driver's license number of every driver certified, and the results of the final skills test, including endorsements, given to each driver applicant, the name of the safety officer who administered the skills test and the license plate number of the vehicle used to conduct the test.

A) All records must be maintained for a period of four (4) years.

B) Proof of eligibility for certification and final skills tests results for each driver applicant must be kept at the location where the road test was given.

12) Auditing - CDL Driving Skills Test

A) All third-party certifying entities must allow the Secretary of State, the Federal Highway Administration or its representatives, to conduct random examinations, inspections, and audits without prior notice pursuant to 49 CFR 385.75.

B) All third-party certifying entities must allow the Secretary of State to conduct on-site inspections at least annually.

C) The Secretary of State or his designee shall annually re-examine a sample percentage of the certified driver applicants to compare pass/fail results and determine the percentage of certified driver applicants employed by the

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third-party certifying entity.

i) If the results of the random examination reflect a failure rate greater than the current Secretary of State's acceptable failure rate of 20 percent, the third-party entity will be notified in writing of the need to retrain the failed applicants.

ii) The retraining must be completed within 30 days at which time the trainee must be referred to the Secretary of State to be skills tested.

iii) The Commercial Driver Training School section will determine the location and time of the Secretary of State retests.

13) Display of Licenses - Each third-party certifying entity shall display in a prominent place at the established place of business the following:

- A) The state license issued to the third-party certifying entity; and
- B) Safety officer licenses of all safety officers employed by the third-party certifying entity.

e) Skills Tests

1) Any CDL skills tests administered by the third-party certifying entity must be conducted as a specified in Subparts G and H of 49 CFR Section 383.

2) Driving Skills - The entity shall have a prescribed physical driving course for each location and must be required to administer a skills test with the same minimum standards as that which would be given by the Secretary of State. (92 Ill. Adm. Code 1030.85.) ~~The entity shall test and--the driver--applicant shall demonstrate skills--including, but not limited to--~~

A) basic control;

B) shifting;

C) backing;

D) speed management; and

E) space management.

3) Pre-trip inspection skills - Where applicable, the entity shall test and the driver applicant shall demonstrate skills necessary to conduct a pre-trip inspection, which include the ability to:

A) locate and verbally identify air brake operating controls and monitoring devices;

B) determine the motor vehicle's brake system condition for proper adjustments and that the air system connections between vehicles have been properly made and secured;

C) inspect low pressure warning device(s) to ensure they will activate in emergency situations;

D) ascertain with the engine running, that the system contains an adequate supply of compressed air;

E) determine that the required minimum air pressure build up at the time is within acceptable limits and that required

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alarms and emergency devices automatically deactivate at the proper pressure level; and

- 4) ~~Restrictions and/or Endorsements~~ - Third-party certification entities conducting road tests for restrictions and/or passenger endorsements must meet a skills test with the same minimum standards as an exam offered by the Secretary of State for the restriction and/or endorsement. (92 Ill. Adm. Code 1030.92.)
- 5) Third-party certifying entities conducting road tests for motorcycle and non-CDL classifications are not bound by points 1) through 4) above, but instead must meet a driving skills test which shall be prescribed by the Secretary of State for these classifications and judged by the same minimum standards. (92 Ill. Adm. Code 1030.85.)
- A) Motorcycle skills tests must include at least the following:
 - i) basic vehicle control skills;
 - ii) safe driving skills;
 - iii) visual search;
 - iv) speed and space management; and
 - v) mounting and dismounting.
- 3) Non-CDL skills tests must include at least the following:
 - i) basic vehicle operation;
 - ii) safe driving skills;
 - iii) speed and attention;
 - iv) lane and right of way observance;
 - v) obeying traffic control devices;
 - vi) use of special equipment.

- 6) Require Instruction Permit - Before a driver applicant may be certified by a third-party certifying entity, the driver applicant must first obtain an instruction permit from the Secretary of State for the specific vehicle classification in which they intend to be licensed, if not previously licensed in a classification representative of the vehicle the applicant intends to drive.

- 7) Issuance and Renewal of Third-Party Certifying Entity Licenses
 - 1) Issuance of Licenses to Third-Party Certifying Entity - The Secretary of State shall issue a license to conduct a third-party certification program when the Secretary of State is satisfied that the entity applying for a third-party certification license has met the requirements under this Rule.
 - 2) Expiration of Licenses - All outstanding licenses issued to any third-party certifying entity shall expire three (3) years from the date the license was issued unless sooner canceled, suspended, or revoked under the provisions of subsection (g).
 - 3) Renewal of Licenses - The license of each third-party certifying entity may be renewed subject to the same conditions as the original license.
 - 4) Licenses - Form and Filing - All applicants for renewal of a

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license shall be on a form prescribed by the Secretary of State and must be filed with the Secretary not less than thirty (30) ~~xxxv-66f~~ days preceding the expiration date of the license to be renewed.

- g) Denial, Cancellation, Suspension, and Revocation of Third-Party Certifying Entity Licenses
 - 1) The Secretary of State shall deny an application for a third-party certifying entity license or renewal:
 - A) to any entity that submits a fraudulent application.
 - B) ~~to any entity that is also currently the owner of a Commercial Driver Training School;~~
 - Be) to any entity that currently employs individuals, also employed by the Secretary of State.
 - C) to any entity that owes outstanding fees to the Secretary of State.
 - De) to any third-party certifying entity that lacks a safety officer.
 - E) to any third-party certifying entity that fails to meet location standards:
 - i) fails to comply with public health and safety standards contained in the Public Building Egress Act [45 ILCS 55], the Natural Gas Odor Injection Act [430 ILCS 25], and the Environmental Barriers Act [410 ILCS 25]; ~~the Environmental Barriers Act [410 ILCS 25];~~
 - ii) fails to have a telephone that registers to the third-party certification entity.
 - 2) The Secretary of State shall cancel a third-party certifying entity license for failing to correct after being served written notice, giving five (5) business days to correct, any violation of the following regulations and laws governing third-party entities: ~~following a written warning and a ten-day notice period upon evidence that:~~
 - A) ~~the entity submitted a fraudulent application;~~
 - B) ~~the entity or subcontractor is also currently the owner of a Commercial Driver Training School;~~
 - Ac) the entity employs individuals, also employed by the Secretary of State.
 - Bb) the entity owes outstanding fees to the Secretary of State.
 - Cb) the third-party certifying entity lacks a safety officer.
 - Dp) the third-party certifying entity fails to meet location standards:
 - i) fails to comply with public health and safety standards contained in the Public Building Egress Act [45 ILCS 55], the Natural Gas Odor Injection Act [430 ILCS 25], and the Environmental Barriers Act [410 ILCS 25]; ~~the Environmental Barriers Act [410 ILCS 25];~~
 - ii) ~~the entity~~ fails to have a telephone that registers to the third-party certification entity.

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- ii) fails to have a telephone that registers to the third-party certification entity.
- 3) The Secretary of State shall suspend a third-party certifying entity's license up to 3 months depending upon the severity of the infraction, ~~for three (3) months, following a written warning and a ten (10) day notice period, upon evidence of the following:~~
- A) improper recordkeeping ~~record-keeping~~ in violation of subsection (d)(11)(97-02).
- B) ~~failure-to-produce--records--upon-demand--of--the--auditing agency--~~
- B)(e) repeated failures by the entity's certified driver applicants to pass skills tests upon re-examination pursuant to subsections (d)(12) and (C) ~~test~~ of this Section.
- C) any violation of this Part.
- 4) The Secretary of State shall suspend a third-party certifying entity's license up to six (6) months depending upon the severity of the infraction, upon evidence of the failure to produce records upon demand of the auditing agency. ~~The Secretary of State shall suspend a third-party--certifying--entity's--license following--a written warning--and--a ten (10) day notice period--if tests discovered--the entity is certifying applicants who have not obtained--instruction--permits--and--have--not--been--previously licensed--in--a--classification--representative--of--the vehicle--the applicant intends to drive--the length--of--the--suspension--shall be--three (3) months--the second incident within two years shall result in a six (6) month suspension--the third incident--shall result in revocation of the license.~~
- 5) The Secretary of State shall suspend a third-party certifying entity's license up to one (1) year depending upon the severity of the infraction. If it is discovered the entity is certifying applicants who have not obtained instruction permits and have not been previously licensed in a classification representative of the vehicle the applicant intends to drive, ~~the Secretary of State shall suspend the third-party certifying entity's license for--the first incident--of--fraud--which--includes but is not limited to certifying persons not eligible--the suspension shall be for three (3) months--A second incident within two (2) years shall result in revocation of the license.~~
- n) Issuance and Renewal of Safety Officer License
- 1) Issuance of Licenses to Safety Officers - The Secretary of State shall issue a license to each safety officer when the Secretary of State is satisfied that such person has met the qualifications required under this Rule. Each third-party certification safety officer license shall authorize the licensee to test for only the employer indicated on the license, except when the safety officer is employed by the entity providing contractual services to the third-party certification entity, ~~or--the--safety--officer--is employed by both a governmental and private entity.~~

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- 2) An individual may be issued two (2) safety officer licenses in the following combinations:
- A) as a safety officer for two (2) governmental agencies, or
- B) as a safety officer for a private entity and a governmental agency.
- 32) Expiration of Licenses - All outstanding licenses issued to any safety officer shall expire on the date the third-party entity license expires ~~three (3) years from the date the license was issued, unless sooner canceled, suspended, or revoked under the provisions of subsection (1).~~
- 33) Renewal of Licenses - The license of each safety officer may be renewed subject to the same conditions as the original license.
- 54) Licenses - Form and Filing - All applications for renewal of a safety officer license shall be on a form prescribed by the Secretary of State and must be filed with the Secretary not less than thirty (30) ~~sixty (60)~~ days preceding the expiration date of the license to be renewed.
- i) Safety Officer
- 1) Requirements. The Secretary of State shall not issue a safety officer license:
- A) unless the safety officer applicant is 21 years of age, ~~or older and holds a valid Illinois driver's license or a--EBB from a contiguous state.~~
- B) if the applicant fails to properly make application for such license, ~~unless--the safety officer applicant is physically able to safely operate a motor vehicle and to test others in the safe operation of motor vehicles--the applicant is not eligible for licensing under Section 6-103 of the Illinois Driver Licensing Law of the Illinois Vehicle Code--(111-Rev-Stat-1987-ch--95-1/2--par--6-103)--and--(92-111--Adm--Code-1990-107.~~
- C) if the applicant submits a fraudulent application.
- D) if the applicant owes outstanding fees to the Secretary of State.
- E) if the applicant's driver's license is currently canceled, suspended or revoked.
- FE) unless the safety officer applicant is employed by a third-party certifying entity.
- GP) unless the safety officer applicant has, for at least two (2) years immediately preceding application, a valid driver's license in the specific classification in which he/she intends to test and, if intending to skills test school bus permit applicants, a current, valid school bus driver permit. ~~he intends to test or--the equivalent under the classification system prior to April 17, 1990.~~
- H) to any person intending to skills test CDL driver applicants or school bus permit applicants who:
- i) has not completed the third party CDL training session

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administered by the Secretary of State Commercial Drivers Training section. The written test will consist of 30 questions pertaining to Secretary of State Examiners Guide for CDL and will be offered by the department at periodic intervals. In order to pass the written test an individual shall answer at least 24 questions correctly. The third party school bus program will have an additional 10 questions and the individual must answer 8 questions correctly in order to pass.

ii) has not passed a CDL skills examination in the classification and/or endorsements in which they intend to skills test. The department will offer this examination at periodic intervals. Each applicant will be given a maximum of three (3) opportunities in a twelve month period to pass the commercial driver's license safety officer examination. An applicant for a commercial driver's license safety officer may be allowed to attempt the road test a second time in the same day during normal business hours of the Driver Services facility if he/she fails the first attempt to pass the road test. However, if the applicant demonstrates a danger to the public safety during his/her first attempt to pass a road test, he/she will not be allowed to make a second or subsequent attempt during the same day. An applicant will not be allowed to make a third attempt to pass a road test on the same day in which he/she failed the previous attempt. Individuals who have failed their third examination must wait at least one (1) year from the date of the third failure before making a new application.

I) to any person whose driver's license has been suspended or revoked, within a period of five (5) years of the date of application.

J) to any person who fails to properly make application for such safety officer's license or otherwise indicates that he/she is unqualified to receive such a license.

K) to any person who is currently a salaried employee of the Secretary of State.

H) to any person intending to take the test--EBB--driver applicants, unless the safety officer applicant has received training--equivalent to that given to Secretary of State examiners administering EBB-driving-skills tests.

L) the applicant does not meet the requirements provided in subsection (i)(1)(H) of this Section.

M) to any applicant who does not hold a valid Illinois driver's license or a driver's license from a contiguous state in the classification and/or endorsement in which he/she intends to

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skills test.

N) to any applicant who has been convicted of driving while under the influence of alcohol, other drugs, or a combination thereof.

O) to any individual who has failed to comply with the provisions of these Rules.

2) Denial of License. The Secretary of State shall deny a safety officer's license upon evidence that:

A) the applicant has been convicted of driving while under the influence of alcohol, other drugs, or a combination thereof; leaving the scene of an accident; and reckless homicide or reckless driving, or is suspended under Section 6-206(a)(3) of the Illinois Driver Licensing Law of the Illinois Vehicle Code or Section 11-501.1 of the Illinois Rules of the Road of the Illinois Vehicle Code within 5 years prior to the date of application.

B) the applicant fails to properly make application for such license.

C) the applicant is not employed by a third-party certifying entity.

D) the applicant is currently a salaried employee of the Secretary of State.

E) the applicant is not at least 21 years of age and holds a valid Illinois driver's license or a EBB from a contiguous state.

F) the applicant submits a fraudulent application.

G) the applicant is currently employed by a Commercial Driver Training School.

H) the applicant owes outstanding fees to the Secretary of State.

I) the applicant is physically unable to operate a motor vehicle within the classification for which they intend to test--EBB--driver licensing--under Section 6-203 of the Illinois Driver Licensing Law of the Illinois Vehicle Code--Rev--Stat--1987--Ch--95--1/27--par--6-1037--and--492--Adm--Code--1030--1037--

J) the applicant's driver's license is currently canceled, suspended or revoked.

K) the applicant's driver's license has been suspended or revoked within a period of five (5) years of the date of application. However, suspensions related to auto emissions and parking are exempt from the five year period after the suspension is terminated.

L) the applicant has not held, for at least two (2) years immediately preceding application, a valid license in the classification and/or endorsement in which he intends to test or the equivalent under the classification system prior to April 1, 1990.

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- 3)M) the applicant does not meet the requirements provided in subsection (b)(1)(H) of this Section, the applicant intends to--skills--test--EBB--driver--applicants--but--has--not--received--training--equivalent--to--that--given--to--Secretary--of--State--examiners--administering--EBB--driving--skills--tests;
- 2) the applicant does not hold a valid Illinois driver's license or a driver's license from a contiguous state in the classification and/or endorsement in which ne/she intends to skills test.
- 3) The Secretary of State shall immediately cancel a safety officer's license upon evidence that:
- A) the individual's driver's license is currently canceled, suspended or revoked.
- B) the individual's driver's license has been suspended or revoked within a period of five (5) years of the date of application. However, suspensions related to auto emissions and parking are exempt from the five year period after the suspension is terminated.
- C) the individual has not held, for at least two (2) years immediately preceding application, a valid license in the classification in which he intends to test or the equivalent under the classification system prior to April 1, 1990, unless it is a CDL classification or endorsement.
- D) the individual intends to skills test CDL driver applicants, but has not received training equivalent to that given to Secretary of State examiners administering CDL driving skills tests.
- E) the individual is no longer employed by the third-party certification entity or no longer has a valid license.
- F) the individual is currently a salaried employee of the Secretary of State.
- G) the individual owes outstanding fees to the Secretary of State.
- H) the individual fails to administer a minimum of twelve (12) skills tests to candidates for employment or membership as required in subsection (b)(3)(B) of this Section.
- 4) The Secretary of State shall cancel a safety officer's license following a written warning including a ten (10) day notice upon evidence that:
- A) the individual has been convicted of driving while under the influence of alcohol, other drugs, or a combination thereof leaving the scene of an accident, and reckless homicide or reckless driving, or is suspended under Sections 6-206(a)(3) or 6-206(b)(3) of the Illinois Vehicle Code within 5 years prior to the date of application;
- B) the individual fails to properly make application for such license;
- C) the individual is not employed by a third-party certifying

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- entity.
- B) the individual is currently a salaried employee of the Secretary of State.
- B) the individual is not at least 21 years of age.
- F) the individual submits a fraudulent application.
- G) the individual is currently employed by a Commercial Driver Training School.
- H) the individual owes outstanding fees to the Secretary of State.
- I) the individual is physically unable to operate a motor vehicle within the classification for which they intend to test (i.e., not eligible for licensing under Section 6-103 of the Illinois Driver Licensing Law of the Illinois Vehicle Code (Ill. Rev. Stat. 1987, ch. 95-1/2, par. 6-103) and 92 Ill. Adm. Code 1030.10)).
- J) the individual's driver's license is currently canceled, suspended or revoked.
- K) the individual's driver's license has been suspended or revoked within a period of five (5) years of the date of application. However, suspensions related to auto emissions and parking are exempt from the five year period after the suspension is terminated.
- B) the individual has not held, for at least two (2) years immediately preceding application, a valid license in the classification in which he intends to test or the equivalent under the classification system prior to April 1, 1990, unless it is a EBB classification or endorsement.
- M) the individual intends to skills test EBB driver applicants but has not received training equivalent to that given to Secretary of State examiners administering EBB driving skills tests.
- 4) The Secretary of State shall cancel a safety officer's license immediately upon receiving notification that the safety officer is no longer employed by the third-party certification entity or no longer has a valid license.
- 4)5) The Secretary of State shall suspend a safety officer's license following a written warning and a ten (10) day notice period.
- A) if it is discovered the safety officer is certifying applicants who have not obtained instruction permits, the length of the suspension shall be three (3) months, the second incident within two (2) years shall result in a six (6) month suspension, and the third incident shall result in revocation of the license.
- B) improper record keeping in violation of subsection (b)(11) of this Part; and
- C) upon any violation of this Part.
- 5)6) The Secretary of State shall revoke a safety officer's license

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upon receipt of evidence that: ~~The Secretary of State shall suspend immediately a safety officer's license for the first incident of fraud which includes but is not limited to certifying a person not eligible. The suspension shall be for three months. A second incident of fraud within two years shall result in revocation of the license.~~

A) the individual has been convicted of driving under the influence of alcohol, other drugs, or a combination thereof; leaving the scene of an accident; and reckless homicide or reckless driving, or is suspended under Sections 6-206(a)(3) or 11-501.1 of the Illinois Vehicle Code within 5 years prior to the date of application.

B) the individual submits a fraudulent application.

C) the individual engages in or permits any type of fraudulent activity, either with reference to a student or the Secretary of State, which includes but is not limited to certifying a person not eligible.

6) The Secretary of State shall have the discretionary authority to issue warning letters to third-party certifying entities or safety officers for violations of the regulations and laws governing commercial driver training schools as found in this Part and Article IV of the Illinois Driver Licensing Law of the Illinois Vehicle Code.

ii) Hearings

1) Prior to the denial of a third-party entity and/or safety officer's license, the Department shall send written notice to that person and/or entity. If a formal hearing is requested, the request must be in writing during the notice period. The basis for denial of a license is stated in this Section.

2) Prior to the suspension or revocation of the license or accreditation of a third-party certifying entity or safety officer, the Department will conduct a hearing in accordance with 92 Ill. Adm. Code 1001, Subpart A and Section 2-118 of the Illinois Vehicle Code [625 ILCS 5/2-118], wherein the Department will present competent evidence to establish violations of any regulations or laws governing third party entities and/or safety officers and seek the appropriate sanctions in accordance with this Section.

7) ~~Hearings--Prior to the suspension, revocation, cancellation or denial of the license of a third-party certifying entity or safety officer, the Department shall give fifteen (15) days' written notice to such entity or person. The sanction shall be effective on the 15th day. If a formal hearing is requested in writing during the notice period, in accordance with 92 Ill. Adm. Code 1001, Subpart A, and Section 2-118 of the Illinois Vehicle Code and Registration Law of the Illinois Vehicle Code (111 Rev. Stat. 1987, ch. 95, 172, Part 2-118), the sanction shall be stayed pending the outcome of such hearing. The basis for cancellation, suspension, revocation or~~

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~~denial of a license or renewal of a license is stated in this Section--Review Under Administrative Law. Judicial Review - The action of the Secretary of State in canceling, suspending, revoking or denying any license under this Act shall be subject to judicial review in the Circuit Court of Sangamon County or the Circuit Court of Cook County, pursuant to Section 2-118 of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-118] (111 Rev. Stat. 1987, ch. 95, 172, Part 2-118) and the provisions of the Administrative Review Law [735 ILCS 5/Art. 3]. (111 Rev. Stat. 1987, ch. 110, Part 3-101, et seq.) All the provisions and modifications thereto, and all the rules adopted thereto, are hereby adopted and shall apply to and govern every action for judicial review of the final acts or decisions of the Secretary of State under this Section.~~

(Source: ~~JUN 29 1995~~ at 19 Ill. Reg. ~~10159~~, effective)

Section 1030.98 School Bus Commercial Driver's License

a) For purposes of this Section, the following definitions shall apply:

"Cancellation" - the without prejudice annulment or termination by formal action of the Secretary of a person's driver's license because the licensee is no longer entitled to such license in accordance with Sections 1-110 of the Illinois Vehicle Code and 6-201 of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/1-110 and 6-201].

"Commercial Driver's License (CDL)" - a driver's license issued by a state to a person, which authorizes that person to drive a certain class of commercial motor vehicle or vehicles [625 ILCS 5/6-500(3)].

"Commercial Driver's License Information System (CDLIS)" - the information system established pursuant to the Commercial Motor Vehicle Safety Act of 1986 (CMVSA) to serve as a clearing house for locating information related to the licensing and identification of commercial motor vehicle drivers.

"Commercial Motor Vehicle" - a motor vehicle, except those referred to in Section 6-500(6)(d) of the Illinois Vehicle Code, designed to transport passengers or property if:

the vehicle has a GVWR of 26,001 pounds or more or such a lesser GVWR as subsequently determined by federal regulations or the Secretary of State; or any combination of vehicles with a GVWR of 26,001 pounds or more, provided the GVWR of any vehicle or vehicles being towed is 10,001 pounds or more; or

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the vehicle is designed to transport 16 or more persons; or

the vehicle is transporting hazardous materials and is required to be placarded in accordance with 49 C.F.R. Part 172, subpart F.

"Conviction" - an unvacated adjudication of guilt or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction or an authorized administrative tribunal; an unvacated forfeiture of bail or collateral deposited to secure the person's appearance in court; the payment of a fine or court cost regardless of whether the imposition of sentence is deferred and ultimately a judgment dismissing the underlying charge is entered; or a violation of a condition of release without bail, regardless of whether the penalty is rebated, suspended or prorogated.

"Disqualification" - a withdrawal of the privilege to drive a commercial motor vehicle.

"Felony" - an offense under State or Federal law that is punishable by death or imprisonment for a term of one year or more.

"Gross Vehicle Weight Rating (GVWR)" - the value specified by the manufacturer as the maximum loaded weight of a single or a combination of vehicle(s), or the registered gross weight, whichever is greater. The GVWR of a combination of vehicles (commonly referred to as the Gross Combination Weight Rating (GCWR)) is the GVWR of the power unit plus the GVWR of the towed unit(s), or the combined registered weight of the power unit plus towed unit(s), whichever is greater.

"School Bus" - Every motor vehicle, except as otherwise provided in this definition, owned or operated by or for a school operated by a religious institution or a public or private child care facility, pre-school, primary or secondary school for the transportation of persons regularly enrolled in any such entity as students in Grade 12 or below in connection with any activity of the entity. This definition does not include the following:

A bus operated by a public utility, municipal corporation or common carrier authorized to conduct local or interurban transportation of passengers when the bus is on a regularly scheduled route for the transportation of other fare paying passengers or furnishing charter service for the transportation of groups on field trips or other special trips or in connection with special events or for shuttle service between attendance centers or other educational facilities and not over a regular or customary school bus route.

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A religious organization bus as defined in Section 1-182 of the Illinois Vehicle Code [625 ILCS 5/1-182].

A motor vehicle designed for carrying not more than nine passengers that is not registered as a school bus under Section 3-808 of the Illinois Vehicle Code [625 ILCS 5/3-808].

"School Bus Commercial Driver Instruction Permit (School Bus CDIP)" - an instruction permit, with a "J48" restriction, which limits CMV operation to a school bus only, as defined in this Part.

"School Bus Commercial Driver's License (School Bus CDL)" - a commercial driver's license with a "J48" restriction which limits CMV operation to a school bus only as defined in this Part.

"School Bus CDL Restriction" - a "J48" restriction placed on a commercial driver's license or school bus commercial driver instruction permit which limits commercial motor vehicle operation to a school bus only, within classification, valid only when accompanied by a valid Illinois school bus permit.

"Serious Traffic Violation" - notwithstanding convictions, which in and of themselves result in the immediate suspension or revocation of a driver's license and privilege, the following offenses or a similar violation of a law or local ordinance of any state relating to motor vehicle traffic control shall be considered a serious traffic violation: a violation relating to excessive speeding, involving a single speeding charge of 15 miles per hour or more above the legal speed limit; or a violation of any State law or local ordinance relating to motor vehicle traffic control (other than parking violations) arising in connection with a fatal traffic accident; or a violation of Section 6-104(d) of the Illinois Vehicle Code [625 ILCS 5/6-104(d)] relating to the possession of a valid school bus driver permit; or a violation of the speed limit in school zone as defined in Section 11-605 of the Illinois Vehicle Code [625 ILCS 5/11-605]; or a violation of passing a stopped school bus as defined in Section 11-1414 of the Illinois Vehicle Code [625 ILCS 5/11-1414]; or failure to stop at railroad crossing as defined in Section 11-1202 of the Illinois Vehicle Code [625 ILCS 5/11-1202]; or a violation relating to improper or erratic lane changes; or a violation relating to following another vehicle too closely; or any other similar violation of a law or local ordinance of any state relating to motor vehicle traffic control, other than a parking violation, which the Secretary of State determines pursuant to 92 Ill. Adm. Code 1040.20.

"State" - a state or territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico or a province of

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the Dominion of Canada [625 ILCS 5/1-195].

"Third Party Tester" - an entity that has been approved by the Secretary.

In order to be eligible for a school bus commercial driver's license the applicant must:

1) be eligible and have applied for an Illinois school bus permit pursuant to Section 6-106.1 of the Illinois Vehicle Code [625 ILCS 5/6-106.1] and 92 Ill. Adm. Code 1035;

2) pass a written school bus core knowledge and passenger endorsement written tests;

3) pass the skills test in a representative vehicle.

In order to be eligible for a school bus commercial driver instruction permit the applicant must pass the written school bus core knowledge test.

The Secretary of State shall issue a school bus CDIP in accordance with Section 1030.65 of this Part and Section 6-105 of the Illinois Vehicle Code [625 ILCS 5/6-105].

The Secretary of State shall deny issuance of a school bus CDL and/or school bus CDIP:

1) for failure to meet the qualification standards contained in Section 6-508 of the Illinois Vehicle Code [625 ILCS 5/6-508];

2) for failure to meet any eligibility requirements contained in this Section.

Prior to the issuance of a school bus CDL and school bus CDIP, the Secretary of State shall perform a records check through the Commercial Driver's License Information System (CDLIS) and enter each school bus CDL holder's record into CDLIS [625 ILCS 5/6-513].

A persons applying for and operating on a school bus CDIP shall be exempt from obtaining and holding an Illinois bus driver permit, but must be accompanied by an individual holding the proper license classification and a school bus driver permit.

All drivers issued a school bus commercial driver's license shall have their commercial motor vehicle operation limited to a school bus, but may operate non-commercial motor vehicles with classification or of a lesser classification.

A driver with a school bus CDL issued under this Section shall have on his/her driver's license a Type "J48" restriction and a "P" endorsement.

A school bus CDL shall expire in accordance with the provisions of Section 6-115 of the Illinois Vehicle Code [625 ILCS 5/6-115].

The fees for a school bus commercial driver's license shall be as follows:

1) Driver's license upgrade to school bus CDL\$20

2) Renewal school bus CDL\$20

3) Duplicate or corrected school bus CDL\$5

4) Instruction Permit issued to any person holding a valid Illinois driver's license for the purpose of

changing to a school bus CDL\$10

5) School bus CDL upgrade to regular CDL\$20

6) Driver's license renewal, plus school bus commercial driver's license instruction permit\$20

1) A driver who possesses a school bus CDL or school bus CDIP shall be subject to the disqualification provisions of the Illinois Vehicle Code [625 ILCS 5/6-514].

m) A driver who possesses a school bus CDL or school bus CDIP shall be subject to the prohibitions against driving a commercial motor vehicle while having any alcohol in such person's system as outlined in Section 6-515 of the Illinois Vehicle Code [625 ILCS 5/6-515].

n) A driver who possesses a school bus CDL or school bus CDIP shall be subject to the implied consent requirements for commercial motor vehicle drivers as outlined in Section 6-516 of the Illinois Vehicle Code [625 ILCS 5/6-516].

o) A driver who possesses a school bus CDL or school bus CDIP shall be subject to the implied consent warnings as outlined in Section 6-517 of the Illinois Vehicle Code [625 ILCS 5/6-517].

p) A driver whose school bus CDL or school bus CDIP has been canceled or withdrawn may contest the sanction by requesting a hearing pursuant to the procedures as outlined in Section 2-118 of the Illinois Vehicle Code. The cancellation or withdrawal of a school bus CDL shall remain in effect pending the outcome of that hearing [625 ILCS 5/2-118].

q) A driver who possesses a school bus CDL or school bus CDIP shall be subject to the cancellation provisions of Section 6-201 of the Illinois Vehicle Code [625 ILCS 5/6-201].

r) A driver who possesses a school bus CDL or school bus CDIP shall be subject to all provisions of the Uniform Commercial Drivers License Act [625 ILCS 5/Ch. 6, Art. V].

(Source: Added ³⁵ JUN 29 1995 19 Ill. Reg. **10159**, effective

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1) Heading of the Part: Community Care Program

2) Code Citation: 89 Ill. Adm. Code 240

3) Section Numbers: Emergency Action:

240.655 Amendment
240.660 Amendment
240.820 Amendment
240.920 Amendment
240.1020 Amendment

4) Statutory Authority: 20 ILCS 105/4.01(4), (9), (11) and (12); 4.02; 4.03; and 5.02

5) Effective Date of Amendments: July 1, 1995

6) If this emergency rule amendment is to expire before the end of the 150 day period, please specify the date on which it is to expire: Emergency amendments will not be set to expire prior to the 150 day period.

7) Date Filed in the Agency's Principle Office: June 28, 1995

8) Reason for Emergency: Public Act 87-740, effective September 15, 1991, mandated the Illinois Department on Aging to apply the Illinois Department of Public Aid's (IDPA) spousal impoverishment provisions to the Community Care Program (CCP). The Department's amendments to effectuate this mandate were filed December 30, 1994 and were adopted effective July 1, 1995. In subsequent meetings with IDPA, however, the Department found that there is a 36 month look back period applied to asset transfers. The Medicaid application process would require a longer application time frame for the client/applicant than currently allowed under CCP rules. In order to accommodate these changes, the look back period must be changed from 24 months to 36 months. In addition, the Medicaid application process of determining Medicaid eligibility means the 60 day maximum for client delay must be changed to a 90 day maximum for client delay. Therefore, in order to be compatible with the pertinent IDPA rules, the emergency CCP rulemaking is forwarded.

The extended look back period and extended time frame for the Medicaid application process are essential in order to allow clients/applicants the ability to utilize the prevention of spousal impoverishment standards under CCP. The CCP prevention of spousal impoverishment standards serve as a vehicle for allowing Illinois' married spouses to remain together in their own homes should one spouse become in need of long term care services. These standards allow the community spouse to maintain an adequate estate and monthly available income without which the only choices available to the couple would be limited to:

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- 1) admitting the spouse needing services to an institutional setting in order to qualify for Medicaid and allow the spouse remaining in the community to have income and assets diverted for his/her benefit; or
- 2) utilizing available resources to pay for necessary services to allow the spouse needing service to remain in the home, thus risking the eventual reduction of his/her estate to an allowable community welfare level.

The incorporation of these provisions into the Community Care Program will protect the health, safety and welfare of both applicants/clients and their families, as well as allowing lower cost community and home based services to meet their needs rather than compelling them to be otherwise inappropriately institutionalized.

9) A Complete Description of the Subjects and Issues Involved: The extended look back period and time frame for the Medicaid application process is essential in order to allow clients/applicants the ability to utilize the prevention of spousal impoverishment standards under CCP. Without this extension of time, IDPA will not have sufficient time to process Medicaid applications and an applicant would have to be denied, or a client terminated. Then, the applicant or former client would have to re-apply when IDPA had completed its work. This latter option would result in even greater delay and more paperwork for the applicant/client, and is likely to force unnecessary institutionalization.

10) Are there any proposed amendments pending on this Part? Yes

<u>Section Number</u>	<u>Proposed Action</u>	<u>Illinois Register Citation</u>
240.436	New Section	February 17, 1995 (19 Ill. Reg. 1363)

11) Statement of Statewide Policy Objectives: N/A

12) Information and questions regarding this rule amendment shall be directed to:

Ms. Pamela W. Balmer, Assistant
Office of General Counsel
Illinois Department on Aging
421 East Capitol Avenue #100
Springfield, Illinois 62701-1789
(217) 785-3346

The full text of the Emergency Amendments begins on the next page:

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CHAPTER II: DEPARTMENT ON AGINGPART 240
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Section	
240.2020	Financial Reporting of Homemaker Service
240.2030	Unallowable Costs for Homemaker Service
240.2040	Minimum Direct Service Worker Costs for Homemaker Service
240.2050	Cost Categories for Homemaker Service

AUTHORITY: Implementing Section 4.02 and authorized by Section 4.01(1) of the Illinois Act on the Aging [20 ILCS 105/4.02 and 4.01(1)].

SOURCE: Emergency rules adopted at 4 Ill. Reg. 1, p. 67, effective December 20, 1979, for a maximum of 150 days; adopted at 4 Ill. Reg. 17, p. 151, effective April 25, 1980; amended at 4 Ill. Reg. 43, p. 86, effective October 15, 1980; emergency amendments at 5 Ill. Reg. 1900, effective February 18, 1981, for a maximum of 150 days; amended at 5 Ill. Reg. 12090, effective October 26, 1981; emergency amendments at 6 Ill. Reg. 8455, effective July 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 14953, effective December 1, 1982; amended at 7 Ill. Reg. 8697, effective July 20, 1983; codified at 8 Ill. Reg. 2633; amended at 9 Ill. Reg. 1739, effective January 29, 1985; amended at 9 Ill. Reg. 10208, effective July 1, 1985; emergency amendments at 9 Ill. Reg. 14011, effective August 29, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 5076, effective March 15, 1986; recodified at 12 Ill. Reg. 7980; amended at 13 Ill. Reg. 11193, effective July 1, 1989; emergency amendments at 13 Ill. Reg. 13638, effective August 18, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 17327, effective November 1, 1989; amended at 14 Ill. Reg. 1233, effective January 12, 1990; amended at 14 Ill. Reg. 10732, effective July 1, 1990; emergency amendments at 15 Ill. Reg. 2838, effective February 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 10351, effective July 1, 1991; emergency amendments at 15 Ill. Reg. 14593, effective October 1, 1991, for a maximum of 150 days; emergency amendments at 15 Ill. Reg. 17398, effective November 15, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 18568, effective December 13, 1991; emergency amendments suspended at 16 Ill. Reg. 1744; emergency amendments at 16 Ill. Reg. 2630, effective February 1, 1992, for a maximum of 150 days; emergency

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amendments modified and reinstated at 16 Ill. Reg. 2943; emergency amendments at 16 Ill. Reg. 2901, effective February 6, 1992, to expire June 30, 1992; emergency amendments at 16 Ill. Reg. 4069, effective February 28, 1992, to expire June 30, 1992; amended at 16 Ill. Reg. 11403, effective June 30, 1992; emergency amendments at 16 Ill. Reg. 11625, effective July 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 11731, effective June 30, 1992; emergency rule added at 16 Ill. Reg. 12615, effective July 23, 1992, for a maximum of 150 days; modified at 16 Ill. Reg. 16680; amended at 16 Ill. Reg. 14565, effective September 8, 1992; amended at 16 Ill. Reg. 18767, effective November 27, 1992; amended at 17 Ill. Reg. 224, effective December 29, 1992; amended at 17 Ill. Reg. 6090, effective April 7, 1993; amended at 18 Ill. Reg. 609, effective February 1, 1994; emergency amendment at 18 Ill. Reg. 5348, effective March 22, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 13375, effective August 19, 1994; amended at 19 Ill. Reg. 9085, effective July 1, 1995; emergency amendment at 19 Ill. Reg. 10186, effective July 1, 1995, for a maximum of 150 days.

SUBPART F: ELIGIBILITY

Section 240.655 Frequency of Redeterminations

EMERGENCY

Redetermination of eligibility for the Community Care Program shall be conducted by the Case Coordination Unit (CCU) at least annually; or whenever requested by the client/authorized representative; or whenever the client may have experienced a change in his/her needs that indicates the need for a redetermination to assure continued eligibility. (Refer to Section 240.630)

- a) A decision on the redetermination shall be made within 30 calendar days from the date the redetermination process is begun, except as extended by the Department.
- b) Redeterminations conducted at the request of the client/authorized representative or whenever the client may have experienced a change in needs shall be accomplished and a decision rendered within 30 calendar days from the date of the request for redetermination, except as extended by the Department.
- c) The 30 calendar day time limit for completion of a redetermination of a client's eligibility shall be extended by any delay caused by the client/authorized representative.

1) Client delay is defined as the number of calendar days a redetermination of eligibility is delayed because of the client's/authorized representative's failure to provide documentation supporting his/her eligibility within 7 calendar days from the date it is verbally requested by the CCU.

2) In the event that a client's eligibility cannot be determined due to the client's/authorized representative's failure to provide documentation, as specified above, within 30 calendar days from the date it is verbally requested by the CCU, the CCU shall extend the time limit for an additional 60 30 calendar days,

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after which services shall be terminated if documentation is not provided.

- d) The client shall maintain eligibility and services shall continue to be provided throughout the redetermination process unless the client/authorized representative delays the process beyond the additional 60 30 calendar days specified in subsection (c)(2) above.
- e) Written notification to the client/authorized representative shall be made as required by Section 240.945.
- f) Any change in services shall be initiated within 15 calendar days from the date the written notice is mailed to the client/authorized representative as required by Section 240.945.

(Source: Emergency amendment at 19 Ill. Reg. 10186, effective July 1, 1995, for a maximum of 150 days)

Section 240.660 Extension of Time Limit

EMERGENCY

The 30 ~~thirty~~ calendar day time limit for completion of a determination of a client's eligibility may be extended by any delay caused by the applicant.

- a) Applicant delay is defined as the number of calendar days a determination of eligibility is delayed because of the applicant's/authorized representative's failure to provide documentation supporting his/her eligibility within 7 ~~seven~~ calendar days from the date it is requested in writing by the Department/Case Coordination Unit (CCU).

- b) In the event that an applicant's eligibility cannot be determined due to the applicant's/authorized representative's failure to provide documentation, as specified above, within 90 ~~sixty~~ calendar days from the date of receipt of the completed application form, the application shall be denied.

(Source: Emergency amendment at 19 Ill. Reg. 10186, effective July 1, 1995, for a maximum of 150 days)

SUBPART H: FINANCIAL RESPONSIBILITY

Section 240.820 Asset Transfers

EMERGENCY

- a) The following transactions are considered transfers of assets:
 - 1) when an applicant/client buys, sells or gives away real or personal property; or
 - 2) if the applicant/client changes the way real or personal property is held.
- b) Transfers of assets which are exempt at the time of transfer do not affect eligibility.

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- c) Transfers of non-exempt assets completed within 36 months ~~two-^{to}-_{two}~~ years from the date of application for the Community Care Program shall be considered in determining eligibility. If a fair market value was not received, the value of the transferred asset shall be considered toward non-exempt assets and any excess amount shall be considered available to meet service costs unless it is proven that the applicant/client did not transfer the property to qualify for or increase the need for the Community Care Program.

- 1) If real property was transferred, fair market value is to be determined by use of statements from reputable realtors or other community members recognized as knowledgeable of property value (e.g., bankers, tax assessors, auctioneers).
- 2) If personal property was transferred, fair market value is to be determined by use of a statement from an institution having knowledge of the property at the time of the transfer, or from an individual who has specific knowledge of the transfer and/or the value of the asset at the time of the transfer.
- 3) Factors to be considered when determining whether or not a transfer of property was made to qualify for or increase the need for the Community Care Program include but are not limited to:
 - A) The applicant's/client's physical and mental condition at the time of transfer;
 - B) the applicant's/client's financial situation at the time of transfer;
 - C) the applicant's/client's need for services at the time of transfer;
 - D) changes in the applicant's/client's living arrangements at the time of transfer; and
 - E) how soon after the transfer the applicant/client applied for services.

- d) If after consideration of these factors the applicant/client is ineligible, the period of ineligibility begins at the date of application for applicants and the date of termination for clients. The period of ineligibility lasts from the initial date for as long as the asset would meet the cost of Community Care Program (CCP) services if it were available to the applicant/client, but in no case shall it last longer than 36 months ~~two-^{to}-_{two}~~ years from the date of transfer.

- e) An applicant/client determined ineligible under subsection (d) above may become eligible if the following occurs:
- 1) the property is reconveyed to the applicant/client; or
 - 2) an adequate consideration is paid to the applicant/client.

- f) It shall be the responsibility of an applicant/client to report all property transfers to the Case Coordination Unit (CCU) within 5 ~~five~~ days from the date of the transaction.

- g) If an unreported transfer of property was made by an applicant/client within 36 months ~~two-^{to}-_{two}~~ years prior to the date of application or was made after the filing of the application but before Community Care Program (CCP) services were authorized, and services to which the

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individual was not entitled were received as a result of the failure to report the transfers, services shall be terminated.

- h) Involuntary transfers do not affect eligibility.
- i) When the property transfer was made to obtain support or care, and the terms of the agreement are being met, only those needs not included in the agreement may be met through the Community Care Program.
- j) Transfers because of separation, divorce or other settlement shall not affect eligibility if they are Court ordered; or, if there is no Court order, and the applicant/client and his/her spouse divide the property in half.
- k) Transfers from an individual bank account to a joint bank account do not affect eligibility if the applicant/client retains access to the money and the money continues to be used for the applicant's/client's needs.
- l) Income tax refunds are available assets. If the refund is based on a joint income tax return, one-half ~~of~~ of the refund is to be considered as belonging to the applicant/client.

(Source: Emergency amendment at 19 Ill. Reg. **10186**, effective July 1, 1995, for a maximum of 150 days)

SUBPART I: DISPOSITION OF DETERMINATION

Section 240.920 Reasons for Denial
EMERGENCY

Denial of Community Care Program (CCP) eligibility shall be based upon one or more of the reasons identified below.

- a) Applicant is less than 50 ~~sixty~~-~~60~~ years of age at the time of the determination of eligibility.
- b) Applicant is not in need of CCP services: scored less than 29 ~~twenty-nine~~-~~29~~ total points/less than 15 ~~fifteen~~-~~15~~ points on Part A, Level of Impairment, of the Determination of Need.
- c) Applicant/authorized representative refuses to sign Client Agreement - Plan of Care.
- d) Applicant/authorized representative refuses to sign Client Agreement - Plan of Care based upon the expense to be incurred monthly as required on the Client Agreement - Plan of Care.
- e) Applicant/authorized representative does not agree with plan of care/hours of service.
- f) Applicant is deceased.
- g) Applicant has been institutionalized for more than 60 ~~sixty~~-~~60~~ calendar days from the date of application.
- h) Applicant/authorized representative voluntarily withdraws application.
- i) Applicant cannot be located to determine eligibility/provide CCP services.
- j) Applicant/authorized representative has not provided reasonable documentation supporting eligibility as required by the Department or

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its Case Coordination Unit (CCU) within 90 sixty-f60 calendar days from the date of receipt of the completed application.

k) Applicant has not cooperated with the Department/CCU/vendor as required and as specified by Section 240.350.

l) Applicant does not meet citizenship requirements.

m) Applicant does not meet residency requirements.

n) A plan of care cannot be developed that adequately meets the applicant's determined needs.

1) The determination that an adequate plan of care cannot be developed shall be sought first through the Physician/Nurse Practitioner/Registered Nurse/Christian Science Practitioner endorsement. Failure to obtain the supportive endorsement that an adequate plan of care cannot be developed shall be so documented.

2) If the Physician/Nurse Practitioner/Registered Nurse/Christian Science Practitioner fails to provide the supportive endorsement, the CCU shall make the determination that an adequate plan of care cannot be developed in accordance with Section 240.715.

o) The total value of applicant's non-exempt assets is in excess of \$10,000.

p) Applicant has not provided the Physician, Nurse Practitioner, Registered Nurse or Christian Science Practitioner endorsement as required by Section 240.730(d).

q) Eligibility could not be established for an applicant who was receiving interim services based upon presumptive eligibility as required by Section 240.1020.

r) Applicant/authorized representative provided fraudulent information.

s) Applicant whose CCP services were previously denied or terminated for non-cooperation as set forth in Section 240.350 shall be denied services upon re-application, except as the situation or condition which led to the memorandum of understanding (see Section 240.350) has been permanently resolved.

t) Applicant has an outstanding bill for CCP services provided prior to this application which he/she refuses to pay.

u) Applicant chooses not to receive CCP services from the list of authorized vendors and has so indicated on the Client's Vendor Selection form.

v) Applicant received interim services in the past for which an incurred expense was never paid.

w) Applicant has transferred non-exempt assets within the past 36 months for the purpose of obtaining CCP services.

x) Applicant/authorized representative has not reported or refused to provide documentation of changes in circumstances which have occurred prior to eligibility determination as required by Section 240.360.

(Source: Emergency amendment at 19 Ill. Reg. 10186, effective July 1, 1995, for a maximum of 150 days)

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SUBPART J: SPECIAL SERVICES

Section 240.1020 Interim Services

EMERGENCY

Interim services are Community Care Program (CCP) services provided to individuals age 60 and over on an interim basis, dependent upon the applicant's presumptive eligibility and following prescreening of the applicant.

a) Presumptive eligibility shall be based upon the following criteria:

1) an application has been completed by an individual age 60 or over, or by the individual's authorized representative following prescreening.

2) Notification has been received by the Case Coordination Unit (CCU) from a hospital or from an individual or agency in the community that the applicant is at imminent risk of nursing facility placement within 3 three-f3 work days.

3) A Physician, Nurse Practitioner, Registered Nurse, or Christian Science Practitioner has certified in writing that the applicant is unable to remain safely in his/her home without the provision of in-home or community-based services and is, therefore, at imminent risk of nursing facility placement within 3 three-f3 work days. The Physician, Nurse Practitioner, Registered Nurse, or Christian Science Practitioner further certifies that the proposed CCP plan of care will enable the applicant to remain at home safely.

4) The Determination of Need (DON) has been administered and the applicant has received the minimum required score of 15 fifteen points on Part A and a total score of at least 29 twenty-nine-f29 points on the DON.

5) The applicant has provided declared information on all other CCP eligibility requirements.

6) The Interim Client Agreement has been fully executed, the applicant has completed a Client's Vendor Selection form in accordance with Section 240.330, and the vendor has been notified.

7) The determination of presumptive eligibility shall be completed and the vendor notified within 3 three-f3 work days from the date of receipt of the completed application (or notice of the completion of the application) by the CCU.

b) When presumptive eligibility has been determined and interim services are approved in accordance with the plan of care, services shall be initiated by the vendor to the applicant within 2 two-f2 work days from the date of notification to the vendor of the applicant's presumptive eligibility.

c) A DON shall be administered in the home of the applicant by the CCU within 15 fifteen-f15 calendar days from the date of discharge of the applicant from a hospital, or notification by an individual or agency in the community that the applicant is at imminent risk of

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institutionalization. The formal determination of eligibility for CCP services shall be completed within 90 sixty-60 calendar days from the date of receipt of the completed application (or notice of the completion of the application) by the CCU.

- d) Interim services may continue up to a maximum of 90 sixty-60 calendar days from the date of application pending finalization of the formal determination of eligibility by the CCU. Services shall be denied at any time during the 90 sixty-60 calendar day interim service period:

- 1) if evidence of ineligibility, based upon any eligibility requirement, is determined; or
 - 2) if the applicant fails to cooperate in the determination of eligibility process; or
 - 3) as specified in Section 240.660, in the event that an applicant's eligibility cannot be determined due to the applicant's failure to provide reasonable documentation (factual information to substantiate provided information when provided information is contradictory or not specific) within 90 sixty-60 calendar days from the date of receipt of the completed application (or notice of the completion of the application) by the CCU; or
 - 4) if a plan of care cannot be developed which adequately meets the applicant's determined needs (see Section 240.920(n)).
- e) Notification of eligibility or ineligibility shall be provided in writing. If eligibility is denied, provision of interim services shall cease on the date of receipt by the vendor of the Case Action Notice.

(Source: Emergency amendment at 19 Ill. Reg. 10186, effective July 1, 1995, for a maximum of 150 days)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Relative Home Placement

- 2) Code Citation: 89 Ill. Adm. Code 335

- 3) Section Numbers: Emergency Action:

335.Appendix A Repeal

- 4) Statutory Authority: Section 5 of the Children and Family Services Act (20 ILCS 505/5) (see Public Act 89-21)

- 5) Effective Date of Amendments: July 1, 1995

- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: Not applicable

- 7) Date Filed in Agency's Principal Office: July 1, 1995

- 8) Reason for Emergency: Public Act 89-21, which was enacted June 6, 1995, specifically amended the Illinois Administrative Procedure Act to find that the State's current financial situation constitutes an emergency and to allow State agencies to enact emergency rulemaking to implement the purposes of the Act.

- 9) A Complete Description of the Subjects and Issues Involved: Public Act 89-21 amended the Children and Family Services Act to require that foster care payments may only be made to homes which are licensed as foster family homes under the Child Care Act of 1969. Public Act 89-21 specifically allows placement of children with relatives who are not licensed if adult members of the relative's household have passed a criminal history check and a check of the Child Abuse and Neglect Tracking System, and the home meets basic safety requirements. Relatives who are not licensed as foster family homes and who are providing care for unrelated children will receive payments equivalent to the Department of Public Aid's child only standard of need. As a result, the Department has filed adopted amendments to repeal Part 335. However, the amendments did not include a repeal of Appendix A, which the Department is now repealing with this emergency rulemaking.

- 10) Are there any proposed amendments to this Part pending?

Section Numbers	Proposed Action	Illinois Register Citation
335.100	Repeal	19 Ill. Reg. 3666, March 24, 1995
335.102	Repeal	19 Ill. Reg. 3666, March 24, 1995
335.200	Repeal	19 Ill. Reg. 3666, March 24, 1995
335.202	Repeal	19 Ill. Reg. 3666, March 24, 1995
335.204	Repeal	19 Ill. Reg. 3666, March 24, 1995

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

335.206 Repeal 19 Ill. Reg. 3666, March 24, 1995
 335.300 Repeal 19 Ill. Reg. 3666, March 24, 1995
 335.302 Repeal 19 Ill. Reg. 3666, March 24, 1995
 335.304 Repeal 19 Ill. Reg. 3666, March 24, 1995
 335.306 Repeal 19 Ill. Reg. 3666, March 24, 1995
 335.310 Repeal 19 Ill. Reg. 3666, March 24, 1995
 335.312 Repeal 19 Ill. Reg. 3666, March 24, 1995
 335.314 Repeal 19 Ill. Reg. 3666, March 24, 1995
 335.316 Repeal 19 Ill. Reg. 3666, March 24, 1995
 335.318 Repeal 19 Ill. Reg. 3666, March 24, 1995
 335.320 Repeal 19 Ill. Reg. 3666, March 24, 1995
 335.322 Repeal 19 Ill. Reg. 3666, March 24, 1995
 335.324 Repeal 19 Ill. Reg. 3666, March 24, 1995
 335.326 Repeal 19 Ill. Reg. 3666, March 24, 1995
 335.328 Repeal 19 Ill. Reg. 3666, March 24, 1995
 335.330 Repeal 19 Ill. Reg. 3666, March 24, 1995
 335.332 Repeal 19 Ill. Reg. 3666, March 24, 1995
 335.334 Repeal 19 Ill. Reg. 3666, March 24, 1995
 335.336 Repeal 19 Ill. Reg. 3666, March 24, 1995
 335.338 Repeal 19 Ill. Reg. 3666, March 24, 1995
 335.340 Repeal 19 Ill. Reg. 3666, March 24, 1995
 335.Appendix A Repeal 19 Ill. Reg. 6035, April 28, 1995

11) Statement of Statewide Policy Objectives: These rules do not create or expand a State mandate as defined in Section 3(b) of the State Mandates Act (30 ILCS 805/3).

12) Information and questions regarding these amendments shall be directed to:

Jacqueline Nottingham
 Chief, Office of Rules and Procedures
 Department of Children and Family Services
 406 East Monroe, Station # 222
 Springfield, Illinois 62701-1498

Telephone: (217) 524-1983
 TTY: (217) 524-3715

The full text of the emergency amendments begins on the next page:

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

TITLE 89: SOCIAL SERVICES
 CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
 SUBCHAPTER b: PROGRAM AND TECHNICAL SUPPORT

PART 335
RELATIVE HOME PLACEMENT

SUBPART A: GENERAL PROVISIONS

Section
 335.100 Purpose
 335.102 Definitions

SUBPART B: PLACEMENT

Section
 335.200 Identification and Selection of Relative Placements
 335.202 Placement Pre-Conditions
 335.204 Continuation of Placement
 335.206 Required Notices and Information
 335.208 Payment Provisions (Repealed)

SUBPART C: APPROVAL STANDARDS FOR RELATIVE FAMILY HOMES

Section
 335.300 Provisions Pertaining To Approval
 335.302 Safety Requirements for the Relative Family Home
 335.304 Requirements For Sleeping Arrangements
 335.306 Nutrition and Meals
 335.308 Business and Employment of Relative Foster Parents (Repealed)
 335.310 Qualifications of Relative Family Home
 335.312 Background Inquiry
 335.314 Health of Relative Family
 335.316 Number of Children Served
 335.318 Meeting Basic Needs of Related Children
 335.320 Health Care of Related Children
 335.322 Religion
 335.324 Education
 335.326 Discipline of Related Children
 335.328 Emergency Care of Related Children
 335.330 Release of Children
 335.332 Confidentiality of Information
 335.334 Required Written Consents
 335.336 Records To Be Maintained
 335.338 Cooperation with the Supervising Agency and the Department
 335.340 Severability of This Part

APPENDIX A

Crimes Identified in Section 4.2 of the Child Care Act of 1969 (Repealed)

EMERGENCY

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

AUTHORITY: Implementing and authorized by Section 5 of the Children and Family Services Act [20 ILCS 505/5] (see Public Act 89-21).

SOURCE: Adopted at 10 Ill. Reg. 4513, effective April 1, 1986; amended at 16 Ill. Reg. 7633, effective April 30, 1992; amended at 17 Ill. Reg. 13420, effective July 31, 1993; amended at 18 Ill. Reg. 7744, effective September 1, 1994; emergency amendment at 18 Ill. Reg. 14436, effective August 31, 1994, for a maximum of 150 days; emergency expired on January 30, 1995; amended at 19 Ill. Reg. 6204, effective April 12, 1995; amended at 19 Ill. Reg. effective July 1, 1995; emergency amendments at 19 Ill. Reg. 10201, effective July 1, 1995, for a maximum of 150 days.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF EMERGENCY AMENDMENTS

Section 335, APPENDIX A Crimes Identified in Section 4.2 of the Child Care Act of 1969 (Repealed)

EMERGENCY

Crimes--identified--in--Section--4.2--of--the--Child--Care--Act--of--1969--include--those serious--criminal--offenses--under--the--Criminal--Code--of--1961--(720--ILCS--5/1--or--under any--earlier--Illinois--criminal--law--or--code--or--an--offense--in--another--state)--the elements--of--which--are--similar--and--bear--a--substantial--relation--to--any--of--the criminal--offenses--specified--below.

Murder
Kidnapping
Aggravated--Kidnapping
Child--Abduction
Aggravated--Battery--of--a--Child
Criminal--Sexual--Assault
Aggravated--Criminal--Sexual--Assault
Criminal--Sexual--Abuse
Aggravated--Criminal--Sexual--Abuse
Child--Pornography
Exploitation--of--a--Child
Obscenity
Harmful--Material
Sale--in--Sales--of--Obscene--Publications--to--Distributors
Indecent--Solicitation--of--a--Child
Public--Indecency
Sexual--Relations--Within--Families
Prostitution
Soliciting--for--a--Prostitute
Soliciting--for--a--Juvenile--Prostitute
Pandering
Keeping--a--Place--of--Prostitution
Keeping--a--Place--of--Juvenile--Prostitution
Patronizing--a--Juvenile--Prostitute
Pimping
Juvenile--Pimping

(Source: Emergency repealer at 19 Ill. Reg. 10201, effective July 1, 1995, for a maximum of 150 days)

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Aid to Families With Dependent Children
- 2) Code Citation: 89 Ill. Adm. Code 112
- 3) Section Numbers: Emergency Action:
 112.8 Amendment
 112.300 Amendment
 112.306 Amendment
 112.308 Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, par. 12-13)[305 ILCS 5/12-13].
- 5) Effective Date of Amendments: July 1, 1995
- 6) If these Emergency Amendments are to expire before the end of the 150-day period, please specify the date on which it is to expire: Not Applicable
- 7) Date Filed in Agency's Principal Office: July 1, 1995
- 8) Reason for Emergency: These emergency amendments are necessary to safeguard the health and well-being of a group of children with special needs. The Department of Children and Family Services plans to refer a large group of children to the Department of Public Aid beginning July 1, 1995. These children have been abandoned by their parents and have special needs for transportation to and from educational sources, therapy, court hearings and to visit their parents. They may have additional needs resulting from their deprivation. These emergency amendments are needed to provide for these special needs and to allow these children to be cared for by relatives.

- 9) Complete Description of the Subjects and Issues Involved: In cooperation with the Department of Children and Family Services, the Department of Public Aid is revising AFDC policy regarding children under DCFS guardianship who are placed with relatives not licensed for foster care. Such children will be eligible for an AFDC monthly special need allowance of \$75. As a result of these proposed amendments, a child under DCFS guardianship who has been placed in the home of a relative not licensed for foster care may receive medical assistance under AFDC-F and financial assistance under AFDC-R. A child who lives with a parent receiving AFDC-F may also receive AFDC-F.

This rulemaking provides that when a dependent child lives with a parent, that parent is designated as the caretaker relative except as follows:

1. another relative in the home will be the caretaker relative if DCFS has placed the child with the relative; or

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

2. the relative has assumed responsibility for the child due to the parent's inability to adequately care for the child.

This rulemaking is also being made to allow caretaker relatives to have one case for themselves and their own children and a second case for other related children. The definition of specified relatives is also being placed in the rules.

Related amendments are also being proposed to 89 Ill Adm. Code 101.20, 101.30 and 101.40.

- 10) Are there any Proposed Amendments pending to this Part? Yes

Sections	Proposed Action	Illinois Register Citation
112.67	New Section	May 5, 1995 (19 Ill. Reg. 6257)

- 11) Statement of Statewide Policy Objectives: These emergency amendments do not affect units of local government.

- 12) Information and questions regarding these Emergency Amendments shall be directed to:

Judy Umunna
 Bureau of Rules and Regulations
 Illinois Department of Public Aid
 100 South Grand Avenue East, Third Floor
 Springfield, Illinois 62762
 (217) 524-3215

The full text of the Emergency Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER b: ASSISTANCE PROGRAMS

PART 112
AID TO FAMILIES WITH DEPENDENT CHILDREN

SUBPART A: GENERAL PROVISIONS

Section
112.1 Description of the Assistance Program
112.5 Incorporation by Reference

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section
112.8 Caretaker Relative
EMERGENCY

112.9 Client Cooperation
112.10 Citizenship
112.20 Residence
112.30 Age
112.40 Relationship
112.50 Living Arrangement
112.52 Social Security Numbers
112.54 Assignment of Medical Support Rights
112.60 Lack of Parental Support or Care
112.61 Death of a Parent
112.62 Incapacity of a Parent
112.63 Continued Absence of a Parent
112.64 Unemployment of the Parent

SUBPART C: JOB OPPORTUNITIES AND BASIC SKILLS TRAINING (JOBS) PROGRAM

Section
112.70 Participation Requirements for JOBS
112.71 Individuals Exempt from JOBS
112.72 JOBS Participation/Cooperation Requirements
112.73 Failure to Participate with the Work Incentive Demonstration Program (Renumbered)
112.74 JOBS Initial Assessment Process/Development of an Employability Plan
112.76 JOBS Orientation
112.77 Conciliation and Fair Hearings
112.78 JOBS Components
112.79 JOBS Sanctions
112.80 Good Cause for Failure to Comply with JOBS Participation Requirements
112.81 Responsible Relative Eligibility for JOBS
112.82 JOBS Supportive Services
112.83 Young Parents Program
112.84 Work Experience Evaluation Project

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AUTHORITY: Implementing Article IV and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 4-1 et seq. and 12-13) (305 ILCS 5/Art. IV and 12-13).

SOURCE: Filed effective December 30, 1977; peremptory amendment at 2 Ill. Reg. 17, p. 117, effective February 1, 1978; amended at 2 Ill. Reg. 31, p. 134, effective August 5, 1978; emergency amendment at 2 Ill. Reg. 37, p. 4, effective August 30, 1978, for a maximum of 150 days; peremptory amendment at 2 Ill. Reg. 46, p. 44, effective November 1, 1978; peremptory amendment at 2 Ill. Reg. 46, p. 56, effective November 1, 1978; emergency amendment at 3 Ill. Reg. 16, p. 41, effective April 9, 1979, for a maximum of 150 days; emergency amendment at 3 Ill. Reg. 28, p. 182, effective July 1, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 33, p. 399, effective August 18, 1979; amendment at 3 Ill. Reg. 33, p. 415, effective August 18, 1979; amended at 3 Ill. Reg. 38, p. 243, effective September 21, 1979, peremptory amendment at 3 Ill. Reg. 38, p. 321, effective September 7, 1979; amended at 3 Ill. Reg. 40, p. 140, effective October 6, 1979; amended at 3 Ill. Reg. 46, p. 36, effective November 2, 1979; amended at 3 Ill. Reg. 47, p. 96, effective November 13,

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1979; amended at 3 Ill. Reg. 48, p. 1, effective November 15, 1979; peremptory amendment at 4 Ill. Reg. 9, p. 259, effective February 22, 1980; amended at 4 Ill. Reg. 10, p. 258, effective February 25, 1980; amended at 4 Ill. Reg. 12, p. 551, effective March 10, 1980; amended at 4 Ill. Reg. 27, p. 387, effective June 24, 1980; emergency amendment at 4 Ill. Reg. 29, p. 294, effective July 8, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 37, p. 797, effective September 2, 1980; amended at 4 Ill. Reg. 37, p. 800, effective September 2, 1980; amended at 4 Ill. Reg. 45, p. 134, effective October 27, 1980; amended at 5 Ill. Reg. 766, effective January 2, 1981; amended at 5 Ill. Reg. 1134, effective January 26, 1981; peremptory amendment at 5 Ill. Reg. 5722, effective June 1, 1981; amended at 5 Ill. Reg. 7071, effective June 23, 1981; amended at 5 Ill. Reg. 7104, effective June 23, 1981; amended at 5 Ill. Reg. 8041, effective July 27, 1981; amended at 5 Ill. Reg. 8052, effective July 24, 1981; peremptory amendment at 5 Ill. Reg. 8106, effective August 1, 1981; peremptory amendment at 5 Ill. Reg. 10062, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10079, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10113, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10124, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 10131, effective October 1, 1981; amended at 5 Ill. Reg. 10730, effective October 1, 1981; amended at 5 Ill. Reg. 10733, effective October 1, 1981; amended at 5 Ill. Reg. 10760, effective October 1, 1981; amended at 5 Ill. Reg. 10767, effective October 1, 1981; peremptory amendment at 5 Ill. Reg. 11647, effective October 16, 1981; peremptory amendment at 6 Ill. Reg. 611, effective January 1, 1982, amended at 6 Ill. Reg. 1216, effective January 14, 1982; emergency amendment at 6 Ill. Reg. 2447, effective March 1, 1982, for a maximum of 150 days; peremptory amendment at 6 Ill. Reg. 2452, effective February 11, 1982; peremptory amendment at 6 Ill. Reg. 6475, effective May 18, 1982; peremptory amendment at 6 Ill. Reg. 6912, effective May 20, 1982; emergency amendment at 6 Ill. Reg. 7299, effective June 2, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 8115, effective July 1, 1982; amended at 6 Ill. Reg. 8142, effective July 1, 1982; amended at 6 Ill. Reg. 8159, effective July 1, 1982; amended at 6 Ill. Reg. 10970, effective August 26, 1982; amended at 6 Ill. Reg. 11921, effective September 21, 1982; amended at 6 Ill. Reg. 12293, effective October 1, 1982; amended at 6 Ill. Reg. 12318, effective October 1, 1982; amended at 6 Ill. Reg. 13754, effective November 1, 1982; rules repealed, new rules adopted and codified at 7 Ill. Reg. 907, effective January 11, 1983; rules repealed and new rules adopted and codified at 7 Ill. Reg. 2720, effective February 28, 1983; amended (by adding Sections being codified with no substantive change) at 7 Ill. Reg. 5195; amended at 7 Ill. Reg. 11284, effective August 26, 1983; amended at 7 Ill. Reg. 13920, effective October 7, 1983; amended at 7 Ill. Reg. 15690, effective November 9, 1983; amended (by adding sections being codified with no substantive change) at 7 Ill. Reg. 16105; amended at 7 Ill. Reg. 17344, effective December 21, 1983; amended at 8 Ill. Reg. 213, effective December 27, 1983; emergency amendment at 8 Ill. Reg. 569, effective January 1, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 4176, effective March 19, 1984; amended at 8 Ill. Reg. 5207, effective April 9, 1984; amended at 8 Ill. Reg. 7226, effective May 16, 1984; amended at 8 Ill. Reg. 11391, effective June 27,

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1984; amended at 8 Ill. Reg. 12333, effective June 29, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 17894; peremptory amendment at 8 Ill. Reg. 18127, effective October 1, 1984; peremptory amendment at 8 Ill. Reg. 19889, effective October 1, 1984; amended at 8 Ill. Reg. 19983, effective October 3, 1984; emergency amendment at 8 Ill. Reg. 21666, effective October 19, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 21621, effective October 23, 1984; amended at 8 Ill. Reg. 25023, effective December 19, 1984; amended at 9 Ill. Reg. 282, effective January 1, 1985; amended at 9 Ill. Reg. 4062, effective March 15, 1985; amended at 9 Ill. Reg. 8155, effective May 17, 1985; emergency amendment at 9 Ill. Reg. 10094, effective June 19, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11317, effective July 5, 1985; amended at 9 Ill. Reg. 12795, effective August 9, 1985; amended at 9 Ill. Reg. 15887, effective October 4, 1985; amended at 9 Ill. Reg. 16277, effective October 11, 1985; amended at 9 Ill. Reg. 17827, effective November 18, 1985; emergency amendment at 10 Ill. Reg. 354, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 1172, effective January 10, 1986; amended at 10 Ill. Reg. 3641, effective January 30, 1986; amended at 10 Ill. Reg. 4885, effective March 7, 1986; amended at 10 Ill. Reg. 8118, effective May 1, 1986; amended at 10 Ill. Reg. 10628, effective June 1, 1986; amended at 10 Ill. Reg. 11017, effective June 6, 1986; Sections 112.78 through 112.86 and 112.88 recodified to 89 Ill. Adm. Code 160 at 10 Ill. Reg. 11928; emergency amendment at 10 Ill. Reg. 12107, effective July 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 12650, effective July 14, 1986; amended at 10 Ill. Reg. 14681, effective August 29, 1986; amended at 10 Ill. Reg. 1501, effective September 5, 1986; amended at 10 Ill. Reg. 15621, effective September 19, 1986; amended at 10 Ill. Reg. 21860, effective December 12, 1986; amended at 11 Ill. Reg. 2280, effective January 16, 1987; amended at 11 Ill. Reg. 3140, effective January 30, 1987; amended at 11 Ill. Reg. 4682, effective March 6, 1987; amended at 11 Ill. Reg. 5223, effective March 11, 1987; amended at 11 Ill. Reg. 6228, effective March 20, 1987; amended at 11 Ill. Reg. 9927, effective May 15, 1987; amended at 11 Ill. Reg. 12003, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 12432, effective July 10, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 12908, effective July 30, 1987; emergency amendment at 11 Ill. Reg. 12935, effective August 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 13625, effective August 1, 1987; amended at 11 Ill. Reg. 14755, effective August 26, 1987; amended at 11 Ill. Reg. 18679, effective November 1, 1987; emergency amendment at 11 Ill. Reg. 18781, effective November 1, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20114, effective December 4, 1987; Sections 112.90 and 112.95 recodified to Sections 112.52 and 112.54 at 11 Ill. Reg. 20610; amended at 11 Ill. Reg. 20889, effective December 14, 1987; amended at 12 Ill. Reg. 844, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1929, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 2126, effective January 12, 1988; SUBPARTS C, D and E recodified to SUBPARTS G, H and I at 12 Ill. Reg. 2136; amended at 12 Ill. Reg. 3487, effective January 22, 1988; amended at 12 Ill. Reg. 6159, effective March 18, 1988; amended at 12 Ill. Reg. 6694, effective March 22, 1988; amended at 12 Ill. Reg. 7336, effective May 1, 1988; amended at 12 Ill. Reg. 7673, effective

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April 20, 1988; amended at 12 Ill. Reg. 9032, effective May 20, 1988; amended at 12 Ill. Reg. 10481, effective June 13, 1988; amended at 12 Ill. Reg. 14172, effective August 30, 1988; amended at 12 Ill. Reg. 14669, effective September 16, 1988; amended at 13 Ill. Reg. 70, effective January 1, 1989; amended at 13 Ill. Reg. 6017, effective April 14, 1989; amended at 13 Ill. Reg. 8567, effective May 22, 1989; amended at 13 Ill. Reg. 16006, effective October 6, 1989; emergency amendment at 13 Ill. Reg. 16142, effective October 2, 1989, for a maximum of 150 days; emergency-expired March 1, 1990; amended at 14 Ill. Reg. 705, effective January 1, 1990; amended at 14 Ill. Reg. 3170, effective February 13, 1990; amended at 14 Ill. Reg. 3575, effective February 23, 1990; amended at 14 Ill. Reg. 6306, effective April 16, 1990; amended at 14 Ill. Reg. 10379, effective June 20, 1990; amended at 14 Ill. Reg. 13652, effective August 10, 1990; amended at 14 Ill. Reg. 14140, effective August 17, 1990; amended at 14 Ill. Reg. 16937, effective September 30, 1990; emergency amendment at 15 Ill. Reg. 338, effective January 1, 1991, for a maximum of 150 days; emergency amendment at 15 Ill. Reg. 2862, effective February 4, 1991, for a maximum of 150 days; emergency expired July 4, 1991; amended at 15 Ill. Reg. 5275, effective April 1, 1991; amended at 15 Ill. Reg. 5684, effective April 10, 1991; amended at 15 Ill. Reg. 11127, effective July 19, 1991; amended at 15 Ill. Reg. 11447, effective July 25, 1991; amended at 15 Ill. Reg. 14227, effective September 30, 1991; amended at 15 Ill. Reg. 17308, effective November 18, 1991; amended at 16 Ill. Reg. 9972, effective June 15, 1992; amended at 16 Ill. Reg. 11550, effective July 15, 1992; emergency amendment at 16 Ill. Reg. 11652, effective July 1, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 13629, effective September 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 17724, effective November 9, 1992; amended at 16 Ill. Reg. 20147, effective December 14, 1992; amended at 17 Ill. Reg. 357, effective December 24, 1992; amended at 17 Ill. Reg. 813, effective January 15, 1993; amended at 17 Ill. Reg. 2253, effective February 15, 1993; amended at 17 Ill. Reg. 4312, effective March 25, 1993; emergency amendment at 17 Ill. Reg. 6325, effective April 9, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 6792, effective April 21, 1993; amended at 17 Ill. Reg. 15017, effective September 3, 1993; amended at 17 Ill. Reg. 19156, effective October 25, 1993; emergency amendment at 17 Ill. Reg. 19696, effective November 1, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 5909, effective March 31, 1994; amended at 18 Ill. Reg. 6994, effective April 27, 1994; amended at 18 Ill. Reg. 8703, effective June 1, 1994; amended at 18 Ill. Reg. 10774, effective June 27, 1994; amended at 18 Ill. Reg. 12805, effective August 5, 1994; amended at 18 Ill. Reg. 15774, effective October 17, 1994; expedited correction at 19 Ill. Reg. 998, effective October 17, 1994; amended at 19 Ill. Reg. 2845, effective February 24, 1995; amended at 19 Ill. Reg. 5609, effective March 31, 1995; amended at 19 Ill. Reg. 7883, effective June 5, 1995; emergency amendment at 19 Ill. Reg. **10206**, effective July 1, 1995, for a maximum of 150 days.

SUBPART B: NON-FINANCIAL FACTORS OF ELIGIBILITY

Section 112.8 Caretaker Relative

EMERGENCY

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- a) The caretaker relative is the specified relative with whom the child is living. When a dependent child lives with a parent that parent shall be designated as the caretaker relative except as follows:
- another relative in the home shall be the caretaker relative if DCFS has placed the child with the relative; or
 - the relative has assumed responsibility for the child due to the parent's inability to adequately care for the child.
- b) Specified relatives are the following blood and adoptive relatives:
- First Degree of Relationship:
 - father; or
 - mother.
 - Second Degree of Relationship:
 - brother;
 - sister;
 - grandfather; or
 - grandmother.
 - Third Degree of Relationship:
 - great-grandfather;
 - great-grandmother;
 - uncle;
 - aunt;
 - nephew; or
 - niece.
 - Fourth Degree of Relationship:
 - great-great-grandfather;
 - great-great-grandmother;
 - great-uncle;
 - great-aunt;
 - first cousin;
 - great-niece; or
 - great-nephew.
 - Fifth Degree of Relationship:
 - great-great-great-grandfather;
 - great-great-great-grandmother;
 - great-great-uncle;
 - great-great-aunt;
 - second cousin;
 - great-great-niece; or
 - great-great-nephew.
 - Step-Relatives:
 - step-father;
 - step-mother;
 - step-brother; or
 - step-sister.
 - Person who is or has been married to one of the relatives listed in subsection (b)(1) through (6) above.

c) Every AFDC-R and AFDC-U case shall have one person designated as the

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caretaker relative. The caretaker relative does not have to meet a minimum or maximum age requirement. If and--if the caretaker relative is included in the assistance unit, this person shall no longer be considered an adult. A dependent child---No person shall serve--as caretaker--relative--for more--than one--APDC grant--case--at the same time--except for an APDC-U parent--whose child's eligibility is--based on the lack of parental support or care of that child's other parent. One person may be the caretaker relative for two separate AFDC financial assistance units only as follows:

- 1) The person, his or her child or children, siblings and the child or children's other parent (or an essential person) shall receive AFDC in one assistance unit; and
- 2) A separate assistance unit shall be established when the person is also caretaker relative for other related children (for whom the person is not a parent). The second assistance unit must also contain an eligible parent or parents and siblings of the child or children in the unit.

e) An exception to the above shall occur--when no When a specified relative is no longer immediately available to act as a caretaker relative, for children already receiving cash benefits,--in this situation, another person may serve as a Temporary Caretaker for a period not to exceed 90 days. "Living with" requirements of the child or children child(ren) are the same as with a caretaker relative. The Temporary Caretaker will not be included in the assistance unit.

(Source: Emergency amendment at 19 Ill. Reg. 10206, effective July 1, 1995, for a maximum of 150 days)

SUBPART I: OTHER PROVISIONS

Section 112.300 Persons Who May Be Included in the Assistance Unit

EMERGENCY

- a) The assistance unit must include at least one eligible child.
 - 1) No more than two of the following individuals may also be included as adults:

- A) The caretaker relative;
 - B) The parent of an eligible child;
 - C) The spouse of the caretaker relative if the caretaker relative is a parent of one of the children and the spouse lives in the home; or
 - D) A needy relative other than the caretaker relative whose presence is essential in the home to provide care for the eligible children.
- 2) An individual is defined as needy if the individual's income minus employment deductions, if appropriate, is less than a "per person" grant amount (payment level divided by the number in the

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assistance unit, including the essential person).

- b) In order for an assistance unit to be eligible, an application with respect to a dependent child must also include, if living in the same household and otherwise eligible for assistance:
 - 1) Any legal natural or adoptive parent of the dependent child; and
 - 2) Any blood-related or adoptive brother or sister of the dependent child.

- c) The eligibility of a child in an assistance unit depends on that child's lack of parental support or care.
 - 1) All eligible dependent children who are blood related or adoptive blood-related siblings and stepchildren in a family unit shall be included in one assistance case.

- 2) Two cases shall be established with the same caretaker relative only as follows:

- A) The caretaker, his or her own children, the children's eligible siblings and other parent (or an essential person) shall be in one assistance unit.

- B) Other related children and their eligible parent or parents and siblings shall be in a second assistance unit.

- d) A pregnant woman, who would be eligible for AFDC when the child is born, may receive assistance as an Adult only. Financial assistance is limited to the last four months of pregnancy.

- e) A pregnant woman who is receiving or is eligible to receive cash assistance as a dependent child in an AFDC case is not eligible for cash assistance as an Adult only pregnant woman.

- f) The caretaker relative or relatives of a child receiving SSI Foster Care Assistance or Adoption Assistance would otherwise be eligible for AFDC may receive assistance as an Adult only case.

- g) A child on Foster Care Assistance (except Independent Living) and the foster child's own child or children are not eligible for AFDC cash assistance.

(Source: Emergency amendment at 19 Ill. Reg. 10206, effective July 1, 1995, for a maximum of 150 days)

Section 112.306 Foster Care Program

EMERGENCY

- a) A child is eligible for medical assistance under Aid to Families with Dependent Children - Foster Care (AFDC - F) when:

- 1) The child has been removed from the home of a specified relative as a result of court action, is a child for whom DCFS has guardianship and is legally responsible and has been placed by the Department of Children and Family Services (DCFS) in foster care or the home of a relative (foster-care-home-or-private-non-profit-group-home-institution)-which-is-licensed-or approved-by-the-Department-of-Children-and-Family-Services;
- 2) The child was eligible for and receiving AFDC in or for the

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month in which court action was initiated leading to placement:-
 3) The child met the citizenship, age, residence, need, and lack of parental support or care criteria for AFDC at the time of initiation of court action and lived with a specified relative at any time within the six (6) months prior to the initiation of court action leading to placement;

4) The child continues to meet AFDC eligibility requirements of age, need, lack of parental support or care, and registration/participation requirements; and-

5) A child who lives with a parent receiving AFDC-F may also receive AFDC-F.

b) An application for AFDC-F must be signed by an authorized representative of the Department of Children and Family Services.

c) Assistance under the AFDC-F program is effective from the latter of the date:

1) that a completed application is received by the Department; or
 2) the child is actually placed in a licensed foster care or the home of a relative by DCFS.

d) A foster parent who is a specified relative of an eligible foster child placed in the foster parent's care may receive assistance for the child under either the AFDC-R/AFDC-U or the AFDC-F program.

(Source: Emergency amendment at 19 Ill. Reg. 10206, effective July 1, 1995, for a maximum of 150 days)

Section 112.308 Special Needs Authorizations

EMERGENCY

The Department will include the special needs listed in subsections (c), and (d) and (e) of this Section when determining initial and continued eligibility for AFDC. If the AFDC unit is determined eligible (or presumptively eligible) for an assistance payment, additional payment or payments ~~payments~~ will be authorized upon request of the client and verification of provision of the service in the following circumstances:

a) A student who is a junior or senior in high school and is included in the assistance unit as an eligible child. The allowance is \$15.00 per quarter payable three times a year.

b) A therapeutic diet allowance is required for an eligible recipient who is diabetic and the diet is prescribed by a physician. The amounts are:

1) Children	17.82 per month
2) Adults, less than 1700 calories	7.92 per month
3) Adults, 1700 calories or more	17.82 per month

c) Correction of an underpayment.

d) A change in mailing date of the regular warrant creates a period of unmet need.

e) \$75 per month for each child under Department of Children and Family Services' guardianship who lives with a specified relative provided

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the child has no parent in the home.

(Source: Emergency amendment at 19 Ill. Reg. 10206, effective July 1, 1995, for a maximum of 150 days)

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- 1) Heading of the Part: General Administrative Provisions
- 2) Code Citation: 89 Ill. Adm. Code 101
- 3) Section Numbers: Emergency Action:
- | | |
|--------|-----------|
| 101.20 | Amendment |
| 101.30 | Amendment |
| 101.40 | Amendment |
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, par. 12-13)(305 ILCS 5/12-13).
- 5) Effective Date of Amendments: July 1, 1995
- 6) If these Emergency Amendments are to expire before the end of the 150-day period, please specify the date on which it is to expire: Not Applicable
- 7) Date Filed in Agency's Principal Office: July 1, 1995

8) Reason for Emergency: These emergency amendments are necessary to safeguard the health and well-being of a group of children with special needs. The Department of Children and Family Services plans to refer a large group of children to the Department of Public Aid beginning July 1, 1995. These children have been abandoned by their parents and have special needs for transportation to and from educational sources, therapy, court hearings and to visit their parents. They may have additional needs resulting from their deprivation. These emergency amendments are needed to provide for these special needs and to allow these children to be cared for by relatives.

9) Complete Description of the Subjects and Issues Involved: In cooperation with the Department of Children and Family Services, the Department of Public Aid is revising AFDC policy regarding children under DCFS guardianship who are placed with relatives not licensed for foster care. Such children will be eligible for an AFDC monthly special need allowance of \$75.

As a result of these proposed amendments, a child under DCFS guardianship who has been placed in the home of a relative not licensed for foster care may receive medical assistance under AFDC-F and financial assistance under AFDC-R. This rulemaking also updates the Section on definitions.

Related amendments are also being proposed to 89 Ill Adm. Code 112.8, 112.300, 112.306 and 112.308.

10) Are there any Proposed Amendments pending to this Part? No

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- 11) Statement of Statewide Policy Objectives: These emergency amendments do not affect units of local government.
- 12) Information and questions regarding these Emergency Amendments shall be directed to:

Name: Judy Umunna
Address: Bureau of Rules and Regulations
 Illinois Department of Public Aid
 100 South Grand Avenue East, Third Floor
 Springfield, Illinois 62762
Telephone: (217) 524-3215

The full text of the Emergency Amendments begins on the next page:

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NOTICE OF EMERGENCY AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER a: GENERAL PROVISIONSPART 101
GENERAL ADMINISTRATIVE PROVISIONSSection
101.1 Incorporation By Reference

101.10 Applicability

101.20 Definitions

EMERGENCY

101.30 Assistance Programs

EMERGENCY

101.40 Assistance Program Restrictions

EMERGENCY

AUTHORITY: Implementing Articles I and II and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 1-1 et seq., 2-1 et seq. and 12-13) [305 ILCS 5/Arts. I and II and 12-13].

SOURCE: Filled and effective December 30, 1977; emergency amendment at 2 Ill. Reg. 5, p. 194, effective January 23, 1978, for a maximum of 150 days; emergency amendment at 2 Ill. Reg. 19, p. 108, effective May 1, 1978, for a maximum of 150 days; amended at 2 Ill. Reg. 25, p. 50, effective June 24, 1978; amended at 2 Ill. Reg. 33, p. 27, effective August 17, 1978; amended at 3 Ill. Reg. 43, p. 196, effective October 15, 1979; emergency amendment at 4 Ill. Reg. 1, p. 78, effective January 1, 1980, for a maximum of 150 days; amended at 4 Ill. Reg. 23, p. 80, effective May 23, 1980; amended at 5 Ill. Reg. 1369, effective January 29, 1981; peremptory amendments at 5 Ill. Reg. 10072, 10076 and 10079, effective October 1, 1981; amended at 5 Ill. Reg. 12728, effective November 1, 1981; codified at 7 Ill. Reg. 5195; amended at 13 Ill. Reg. 3897, effective March 17, 1989; emergency amendment at 19 Ill. Reg. **10220**, effective July 1, 1995, for a maximum of 150 days.

Section 101.20 Definitions

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"AABD" Aid to the Aged, Blind, or Disabled--financial assistance and medical assistance and social services available to individuals who have been determined to be aged, blind or disabled as defined by the Social Security Administration.

"Adequate Consideration." The receipt of goods, monies or services at least in the amount of the fair market value of the property sold.

"Adult Cases." A case in which no child is included in the assistance unit.

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"Adverse Action." Any action which reduces food stamp benefits or terminates participation in the food stamp program within a certification period.

"AFDC." Aid to Families with Dependent Children--financial assistance and medical assistance and social services available to families with one or more dependent children or in behalf of dependent children placed in foster care by the Department of Children and Family Services (DCFS).

AFDC-F: Medical Assistance for Payment-issued-through-BEPS-for-a-care provided-by-a-licensed-foster-home-or-private-non-profit-institution to an eligible child under DCFS guardianship placed-in-foster-care.

AFDC-R: Based on the death, absence or incapacity of a parent.

AFDC-U: Based on unemployment of parent.

"Agency Error." An action or inaction of the Department, resulting in assistance benefits being furnished to or in behalf of a client for which the client is not eligible.

"AMI."--Aid-to-Medically-Indigent-aid-in-meeting-the-costs-of necessary-medical-care-for-persons-who-are-ineligible-to-receive medical-assistance-through-a-Categorical-or-Federal-Assistance Program.

"Applicant." An individual requesting assistance by completion of a signed, written application form, or a person in whose behalf a signed written application form is completed requesting assistance.

"Application." A request for assistance by means of a completed, signed designated form. For food stamp purposes only a name, address, and signature are needed on the form.

"Assistance Unit." The individual, or individuals living together, for whom the Department determines eligibility and, if eligible, provides financial and/or medical assistance and/or social services as one unit.

"Authorization-to-Participate-APP-Document."--The document-issued-to an-eligible-household-which-enables-it-to-participate-in-the-food stamp-program.

"Care." As a basis for the deprivation factor, nurture such as supervision and training, housekeeping, laundry and meal preparation needed by a child and given to the child by a mother, a father or another capable and willing person.

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"Caretaker Relative." A relative, as specified below, with whom a child must live to and be eligible for AFDC and ~~or~~ WANS who is providing care, supervision, and a home for the child.

Blood or adoptive relatives within the fifth degree of kinship:

- Father - Mother
- Brother - Sister
- Grandmother - Grandfather (including up to great-great-great)
- Uncle - Aunt (including up to great-great)
- Nephew - Niece (including up to great-great)
- Great-Grandfather---Great-Grandmother
- Great-Uncle---Great-Aunt
- First Cousin
- First Cousin once removed (child of first cousin)
- Second Cousin (child of great-aunt/uncle)

Step-Relatives:

- Step-Father - Step-Mother
- Step-Brother - Step-Sister

Person who is or has been married to one of the above relatives.

Adoptive-Relatives

"Categorical Assistance Programs." AFDC, AABDy and related WANG programs.

"Categorically Eligible." The meeting of all eligibility requirements for a categorical assistance program other than financial needs.

"Certification For Food Stamps." Authorization of eligibility of a household for the food stamp program.

"Certification Period." The period of time for which a household is authorized to participate in the food stamp program.

"Certifying Office." The IDPA local office or General Assistance unit office responsible for certification of food stamp program participants.

"Child and Family Assistance Case." A General Assistance case in which case eligibility is based on pregnancy or the presence of an eligible child.

~~SEPA~~ "The Comprehensive Employment and Training Act.

"Client." An applicant or recipient.

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"Client Error." A client's mistake, misunderstanding, misrepresentation or concealment of information or failure to report information promptly, which results in financial and/or medical assistance being paid to or in behalf of a recipient for which the recipient is not eligible.

"Consistent Pattern of Independent Living." For a continuous period of at least six months prior to but not immediately preceding the date of application, the applicant has not been provided with free or reduced-cost housing by a specified relative and the applicant has been able to meet the normal expenses of independent living without reliance on a specific relative for any monetary or in-kind contribution.

"Correspondent." A specific individual who has been legally designated to handle the affairs of another individual, that is ~~for~~, parents, court appointed guardian or conservator.

"Coupon Allotment." The total dollar value of the food stamp coupons that a household is authorized to receive.

"DCFS." Illinois Department of Children and Family Services.

"Department." The Illinois Department of Public Aid.

"Dependent Child." A child age 18 or under who is deprived in whole or in part of parental support or care by reason of death of a parent, the incapacity of a parent, the continued absence of a parent ~~parent's~~ or parents or the unemployment of a parent. If age 18, the child must be a full-time high school (or equivalent) student expected to complete the program before reaching age 19.

"Disbursing Order." An invoice voucher form given to a client, authorizing a vendor to provide specified goods and/or services.

"Disposition of an Application." The determination of eligibility or ineligibility.

"Diverted Income." Earned or unearned income of a parent used to meet the needs of ineligible person or persons, including the parent, their dependent child or children ~~children~~ or their ~~of an ineligible~~ spouse.

"DMHDD." Illinois Department of Mental Health and Developmental Disabilities.

"DOC." Illinois Department of Corrections.

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"DOL." Illinois Department of Labor.

"DORS." Illinois Department of Rehabilitation Services.

"Earmarked Income." Income restricted for the use of an individual by court order or by legal stipulation of a contributor. Only income of a child may be considered earmarked for Departmental purposes. The income of a child who has siblings in the home receiving AFDC financial assistance cannot be earmarked.

"Earned Income." Remuneration derived through the receipt of wages or salary for services performed as an employee or profits from activity in which the individual is self-employed.

"Effective Date." The date for which case action is authorized.

"Enrolled MANG Participant." Person or unit meeting the nonfinancial factors of eligibility.

"Established Twelve-Month Six-Month Period." The period of 12 six calendar months over which income is compared to the applicable MANG standard.

"Established Three-Month Period." The period of three calendar months over which income is compared to the applicable AMI standard.

"Expedited Issuance." Authorization of food stamp benefits after the household has been determined to be destitute or to have zero net income.

"Expedited Service." An immediate processing of a food stamp application and determination of eligibility for expedited issuance.

"Family Case." A General Assistance case in which a child is included in the assistance unit.

"FCS." The Food and Consumer Service of the United States Department of Agriculture.

"Final Administrative Decision." A decision made by the Department as a result of an appeal. It which either upholds or reverses the appealed action or determines a lack of jurisdiction.

"Financial Assistance." Public Assistance paid in the form of a warrant to a recipient for income maintenance needs. Medical assistance is and social service payments are not considered financial assistance.

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"Financial Factors of Eligibility." Income, assets, and Department standards of assistance.

"Financially Eligible." The meeting of all financial factors of eligibility.

"Fiscal Month (Food Stamps-Only)." Begins on a given day in one calendar month the last date of the regular roll issuance applicable to the household and ends on the day prior to the same given day in the next calendar month last date of the next regular roll issuance applicable to the household.

"FNS." The Food and Nutrition Service of the United States Department of Agriculture.

"Food Coupons." Same as food stamps.

"Food Stamp Benefits." The amount of coupons which a food stamp household receives.

"Food Stamp Employment and Training." Employment and training program for food stamp recipients.

"Food Stamp Household." For purposes of the food stamp program, a household is defined as any of the following:

An individual living alone;

An individual living with others, but customarily purchasing food, and preparing meals for home consumption separate and apart from others;

A group of individuals who live together and customarily purchase food and prepare meals together for home consumption.

"Full Time Employment." Employment of 100 hours per month or more.

"GA." General Assistance -- financial and medical assistance available to eligible needy families or individuals who are ineligible to receive assistance through a categorical or Federal Assistance Program.

"GA Community Work and Training Program." A program, applicable to GA outside the City of Chicago only, designed to increase employability of General Assistance recipients through constructive work experience, adult education, vocational training, and gainful employment.

"GA Job Placement Unit (City of Chicago-Only)." The Department unit

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~~charged--with--the--responsibility--of--assisting--GA--applicants--and recipients--in--finding--employment--by--direct--referral--to--prospective employers.~~

"Grant." The total amount of a monthly financial assistance payment.

"Grant Cases." Public assistance cases authorized for financial assistance ~~and/or social services~~ payments to the recipient.

"Head of Household." The person in whose name application is made for participation in the food stamp program. This person is normally the individual who is the household's primary source of income.

"Health Maintenance Organization (HMO)." Licensed by the Illinois Department of Insurance as a non-profit incorporated agency whose purpose is to provide preventive health care and medical services.

"Healthy Kids." Early and periodic screening, diagnosis and treatment services provided to children from birth through 20 years of age.

"Hearing." The actual presentation and consideration of the issue under appeal before a hearing officer of the Department.

"HIB." Hospital Insurance Benefits provided by Title XVIII of the Social Security Act (Medicare) (42 U.S.C. 1395 et seq.).

"Initial Prorated Entitlement (IPE)." Financial Assistance to cover the period from the initial point of eligibility (application for assistance or initial needs of a person being added to the assistance unit) through two days after the mailing date of the first regular monthly assistance warrant.

"In-Kind Income." Income received by or paid in behalf of an individual in a form other than money.

"Interim Assistance." Assistance furnished to or in behalf of an individual financed totally from State and/or local funds for basic maintenance needs and furnished during the period beginning with the month in which the individual filed an application for Supplemental Security Income (SSI) and for which such individual was found eligible.

"Intermediate Care Facility" (ICF). Provides basic nursing care and other restorative services under periodic medical direction. Many of these services may require skill in administration. Such facilities are for residents who have long term illnesses or disabilities which may have reached a relatively stable plateau.

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"Intermediate Care Facility For the Mentally Retarded (ICF/MR)." Provides primarily for ambulatory adults with developmental disabilities and addresses itself to the needs of mentally retarded and/or with related conditions. Such facilities are for residents who have physical, intellectual, social, and emotional needs.

"JOBS Program (Job Opportunities and Basic Skills Training Program)." Department of Public Aid's employment and training programs for AFDC recipients.

"JTPA." Job Training Partnership Act.

"Local Governmental Unit." Every county, city, village, incorporated town or township charged with the duty of providing public aid under General Assistance and County Veterans Assistance Commissions providing assistance to indigent war veterans and their families.

"Local Office." Department of Public Aid offices which serve clients living within a designated geographical area. ~~In Cook County-- District offices of the Cook County Department of Public Aid--Outside Cook County--the County Departments of Public Aid.~~

"Lump-Sum Lump-Sum Payment." An extraordinary or non-recurring income payment received by a client.

"MAG." Medical Assistance Grant cases -- medical assistance paid on behalf of a recipient of financial assistance.

"MANG." Medical Assistance No Grant-cases -- medical assistance paid on behalf of a recipient of categorical assistance who is not receiving financial assistance.

"MANG(AABD)." Medical assistance available to individuals who have sufficient income and assets to meet all maintenance needs other than medical care and who are receiving Supplemental Security Income benefits or who are determined to be aged, blind, or disabled by the Department of Public Aid.

"MANG(C)." Medical Assistance to Families with Dependent Children -- available to families with one or more dependent children who would qualify for AFDC on the basis of non-financial eligibility factors but have sufficient income and assets to meet all maintenance needs other than medical care.

~~"MBG." Medical Eligibility Card which identifies individuals for whom the Department will pay for essential medical services and supplies.~~

"Medicaid." Medical assistance issued by the Department under

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provisions of Title XIX of the Social Security Act (42 U.S.C. 1396); MAG and MANG.

"Medical Assistance." Medicaid.

"Medicare." Payment for medical care under the provisions of Title XVIII of the Social Security Act.

"Medichex." Early and periodic screening diagnosis and treatment services provided to children from birth through 20 years of age.

"MediPlan Card." A document which identifies individuals for whom the Department will pay for essential medical services and supplies.

"Migrant Worker." Any person residing temporarily in and employed in Illinois who moves seasonally from one place to another for the purpose of employment in agricultural activities, including the planting, raising or harvesting of any agricultural or horticultural commodities and the handling, packing or processing of such commodities on the farm where produced or at the point of first processing.

"Needy Relative." A relative of the dependent child, other than the caretaker relative, whose presence is essential in the home to provide care for the eligible child and who has need as determined by the Department standards.

"OASDI." Old Age, Survivors, and Disability Insurance -- often termed "Social Security".

"OJT." On the Job Training programs sponsored through the AFDC JOBS Program, Food Stamp Employment and Training Program or JTPA CEPA--or WIN.

"Participant." A person taking part in recipient-under the food stamp program or a Departmental employment and training program.

"Prepaid Health Plan." An organized system of health care responsible responsible for providing or assuring the delivery of comprehensive health maintenance and treatment services to a voluntarily enrolled population.

"PSE."--Public-Service-Employment-sponsored-through-CEPA-or-WIN-

"Recipient." An individual who receives benefits under an assistance program.

"SAU."--Separate-Administrative--Unit-----which--acts--as--a--liaison

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between-DBS-WIN-Unit-and-SPA's-income-maintenance-unit-

"Skilled Nursing Facility (SNF)." A group care facility licensed by the Illinois Department of Public Health which provides skilled nursing care, continuous skilled nursing observations, restorative nursing and other services under professional direction with frequent medical supervision. Such facilities are provided for patients who need the type of care and treatment required during the post acute phase of illness or during recurrences of symptoms in long-term illness.

"Skilled Nursing Facility for Pediatrics (SNF/PED)." A group care facility licensed by the Illinois Department of Public Health which provides nursing care and rehabilitative and/or rehabilitative care to children under eighteen years of age. Such facilities are for residents primarily diagnosed mentally retarded or having related conditions.

"SMIB." Supplementary Medical Insurance Benefits -- coverage provided under Title XVIII of the Social Security Act for medical services other than hospitalization.

"Social--Service--Need."--Specific--social--service--items--for-which payment-may-be-authorized-

"Social-Service-Payment."--Payment-authorized-for-social-services-that were-actually-provided-and-were-made-in-accordance-with-the-approved social-service-plan-

"Social--Service--Plan."--An-outline--of--the-service-objectives-and specific-social-services-needed-to-obtain-or-maintain-a-service-goal-

"Specified Relative." Same as caretaker relative.

"Spendedown." The amount by which a client's nonexempt income during the eligibility period exceeds the MANG income and asset standards standard.

"SSA." The Social Security Administration -- of the Department of Health and Human Services.

"SSI." Supplemental Security Income -- a program administered by the Social Security Administration providing monthly aid to Aged, Blind and Disabled individuals.

"Student." An individual who is enrolled at least half time (as defined by the institution) in any grade school, high school, vocational school, technical school, training program or institution

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of higher education. Enrollment in a mail, self-study or correspondence course does not meet the definition of a student.

"Supervision." Exercising of responsibility for the child's welfare by the caretaker.

"Temporary Caretaker." Another individual temporarily acting as a caretaker (not included in the assistance unit) when no specified relative is available.

"UI." Unemployment Insurance Benefits.

"Unearned Income." All income other than earned income.

"Utilization Control." Evaluation and review by the Department of a recipient's need for care facility, and certification of a patient's need for care by physicians, DMHDD staff, and Department of Public Health.

"Vendor Payment." Direct payment to vendors for items or services provided to clients.

"WIN-Program." Work-Incentive-Program--a program administered by the Department of Labor and Public Aid, aimed at preparing public aid recipients for employment through services, training, and job placement.

"Work Experience." A Department program which provides sponsored through-EEZA-to-provide experience in a job.

(Source: Emergency amendment at 19 Ill. Reg. 10220, effective July 1, 1995, for a maximum of 150 days)

Section 101.30 Assistance Programs

EMERGENCY

a) The types of assistance programs administered by the Illinois Department of Public Aid include: financial assistance, medical assistance, social services, and food stamps.

b) Financial Assistance Programs -- consists primarily of direct cash payments to recipients. The various financial assistance programs are:

1) Aid to the Aged, Blind or Disabled--State Supplemental Payment For aged, blind or disabled persons.

2) Aid to Families with Dependent Children

A) For families with one or more dependent children or in behalf of dependent children placed in foster care by the Department of Children and Family Services as a result of a

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judicial determination.

B) AFDC shall include AFDC-R and AFDC-U and AFGE-P.

i) AFDC-R

For families with one or more dependent children whose dependency is based on the death, absence or incapacity of a parent.

ii) AFDC-U

For families with one or more dependent children whose dependency is based on the unemployment of one of the parents.

iii) AFGE-P

Payment through the Illinois Department of Children and Family Services (BEPF) for cases provided by a licensed foster home or private non-profit institution to an eligible child placed in foster care by BEPS as a result of judicial determination.

3) Cuban Phasedown Program (CPRP) For Refugees from any country. Resettlement Program (RRP) For refugees from any country.

5) Cuban/Haitian/Entrant Program (Status Pending) (CHEPT)

For United States citizens and their dependents returned from a foreign country by the U.S. Department of State.

5) General Assistance

For individuals and families who do not qualify for assistance under the Aid to the Aged, Blind or Disabled (AABD)--State Supplemental Payment (SSP), Aid to Families with Dependent Children (AFDC) or federal Supplement Security Income (SSI) programs and who meet GA program requirements.

c) Medical Assistance -- under which payments are made to medical providers for services provided to recipients.

1) Medicaid

For persons eligible for financial assistance under the AABD-SSP and AFDC programs and for individuals not eligible for financial assistance but who meet the aged-blind-disabled-or-deprivation requirements of those programs for medical assistance only. This includes and for pregnant women of any age with no other dependent children who would be eligible for AFDC or MANG (CR) if the child had already been born. Medicaid is provided under the AFDC-F program for children under DCFS guardianship who have been placed in licensed foster care or in the home of a relative.

2) Healthy Kids Medicaid

A preventative health program for all clients who are under 21 years of age and who are receiving AFDC, AABD, RRA, GA or MANG. Through Healthy Kids Medicaid, persons are given periodic screening examinations at certain ages from birth through age 20. The A-Medicaid screening is to diagnose and treat health problems at an early stage.

3) General Assistance Medical

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For persons receiving financial benefits under the GA program.

- †† Add-to-the-Medicaid-Indigent
Per-persons-not-eligible-for-financial-assistance-under-the-GA
program-but-who-meet-the-other-eligibility-requirements.
- d) Social-Services---constitutes-primarily-of-payments-made-to-providers-of
social-services-for-services-delivered-to-recipients---for-individuals
eligible-under-any-of-the-financial-assistance-programs---with-the
exception-that-for-individuals-eligible-under-GA-outside-of-the-city
of-Chicago-social-services-are-available-at-the-option-of-the-local
governmental-unit.
- d)† Food Stamps -- provides increased food purchasing benefits to
recipients. Food Stamp benefits are available to individuals who meet
the eligibility requirements of the Food and Nutrition Service of the
U.S. Department of Agriculture in accordance with the Food Stamp Act
of 1977 (7 U.S.C. 2017 et seq.).
- e)†† Title IV-D (AFDC-Only) -- attempts to collect child in-whom support
payments from made-by absent parents in behalf of children receiving
assistance are-paid-directly-to-the-Department. The Department
enlists the cooperation of the caretaker relative in identifying,
locating and or securing support from an absent parent or parents or
putative father.

(Source: Emergency amendment at 19 Ill. Reg. 10220, effective July
1, 1995, for a maximum of 150 days)

Section 101.40 Assistance Program Restrictions

EMERGENCY

- a) An individual shall be eligible to receive financial assistance under
only one of the following types of assistance programs at any one
time:
 - 1) Categorical Assistance (AFDC or AABD),
 - 2) General Assistance, or
 - 3) Add-to-the-Medicaid-Indigent-or-†† Assistance to Refugees,
Entrants and Repatriates.
- b) An individual shall be eligible to receive financial and medical
assistance in only one case under one assistance program, at any one
time, except:
 - 1) An individual who currently receives Categorical Assistance from
another State and has established Illinois residence (in
accordance with 89 Ill. Adm. Code 112.20, 113.20, 114.20,
120.211, 120.311, or 121.21) may receive Supplemental Categorical
Assistance in Illinois when the amount of the Illinois
assistance payment level to which the individual is entitled
exceeds the amount received from the other State, if the excess
is at least \$10.00.
 - 2) An individual who is currently receiving General Assistance shall
be eligible to receive GA during the pendency of an application

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for Categorical Assistance or to receive the difference between
the amount of the GA grant and the amount of the Categorical
Grant for the month in which the individual is determined
eligible for Categorical Assistance.

- 3) A pregnant woman who is receiving medical assistance MANG(C) may
also receive a General Assistance grant, if otherwise eligible.
- 4) A child under DCFS guardianship who has been placed in the home
of a relative not licensed for foster care may receive medical
assistance under AFDC-F and financial assistance under AFDC-R.
- c) An individual shall not be eligible to receive food stamps as a member
of more than one household at any one time.

(Source: Emergency amendment at 19 Ill. Reg. 10220, effective July
1, 1995, for a maximum of 150 days)

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1) Heading of the Part: Hospital Reimbursement Changes

2) Code Citation: 89 Ill. Adm. Code 152

3) Section Numbers:

Emergency Action:
 Repeal
 152.100 Amendment
 152.150 Amendment
 152.200 Amendment
 152.250 Amendment

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, par. 12-13) (305 ILCS 5/12-13)

5) Effective Date of Amendments: June 30, 1995

6) If these Emergency Amendments are to expire before the end of the 150-day period, please specify the date on which it is to expire: Not Applicable

7) Date Filed in Agency's Principal Office: June 30, 1995

8) Reason for Emergency: These emergency amendments are being filed pursuant to the Governor's fiscal year 1996 budget plan and the enactment of the State's budget by the legislature. The continued maintenance of rates for hospital services is a necessary component of the Department's budget reduction initiatives for fiscal year 1996. Emergency rulemaking is specifically authorized for the implementation of budget reduction initiatives for fiscal year 1996 by Section 10-95 of Public Act 89-21.

9) Complete Description of the Subjects and Issues Involved: These emergency amendments are necessary to maintain rates of reimbursement for hospital services at the levels which have been effective since January 18, 1994. The maintenance of rates will continue through fiscal year 1996, and will affect rates calculated according to methodologies located in 89 Ill. Adm. Code 149, Diagnosis Related Grouping (DRG) Prospective Payment System (PPS) and 89 Ill. Adm. Code 148, Hospital Services. These cost containment measures are necessary for the implementation of the fiscal year 1996 budget plan, to permit the Department to continue to provide adequate reimbursement levels for essential hospital services and to prevent excessive and unnecessary expenditures.

Section 152.250 provides an appeal mechanism for any hospital that believes it is facing significant financial hardships by continuing to provide services according to these rate maintenance provisions. Under these amendments, the availability of this appeal process is also being extended through fiscal year 1996.

Section 152.100, which is being repealed, provides for the application of

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an adjustment factor to certain add-on payments for hospitals. Because of Public Act 88-554, the add-on payments are being eliminated at the end of fiscal year 1995 and the adjustment factors will no longer be applicable.

The emergency amendments to Sections 152.150, 152.200, and 152.250 are expected to result in an increase in spending of approximately \$10 million. It is anticipated that the repeal of Section 152.100 will result in a reduction in Department expenditures of approximately \$190.7 million for fiscal year 1996.

10) Are there any Proposed Amendments pending to this Part? Yes

Sections	Proposed Action	Illinois Register Citation
152.100	Repeal	March 24, 1995 (19 Ill. Reg. 4322)
152.150	Amendment	March 24, 1995 (19 Ill. Reg. 4322)
152.200	Amendment	March 24, 1995 (19 Ill. Reg. 4322)
152.250	Amendment	March 24, 1995 (19 Ill. Reg. 4322)

11) Statement of Statewide Policy Objectives: These emergency amendments do not affect units of local government.

12) Information and questions regarding these Emergency Amendments shall be directed to:

Name: Joanne Jones
 Address: Bureau of Rules and Regulations
 Illinois Department of Public Aid
 100 South Grand Avenue East, Third Floor
 Springfield, Illinois 62762
 Telephone: (217) 524-3215

The full text of the Emergency Amendments begins on the next page:

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NOTICE OF EMERGENCY AMENDMENTS

TITLE 89: SOCIAL SERVICES

CHAPTER I: DEPARTMENT OF PUBLIC AID

SUBCHAPTER e: GENERAL TIME-LIMITED CHANGES

PART 152

HOSPITAL REIMBURSEMENT CHANGES

Section

152.100

EMERGENCY

Reimbursement Add-on Adjustments (Repealed)

152.150

EMERGENCY

Diagnosis Related Grouping (DRG) Prospective System (PPS)

152.200

EMERGENCY

Non-DRG Reimbursement Methodologies

152.250

EMERGENCY

Appeals

AUTHORITY: Implementing and Authorized by Articles III, IV, V and VI and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V and VI and 12-13] and implementing Article III of the Illinois Health Finance Reform Act [20 ILCS 2215/Art. III].

SOURCE: Emergency rules adopted at 18 Ill. Reg. 2150, effective January 18, 1994, for maximum of 150 days; adopted at 18 Ill. Reg. 10141, effective June 17, 1994; emergency amendment at 19 Ill. Reg. 6706, effective May 12, 1995 for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 10236, effective June 30, 1995, for a maximum of 150 days.

Section 152.100 Reimbursement Add-on Adjustments (Repealed)

EMERGENCY

a) Notwithstanding any provisions set forth in 89 Ill. Adm. Code 148, the changes in rate described in this Section will be effective January 18, 1994.

b) Outpatient indigent volume adjustments as described in 89 Ill. Adm. Code 148.140(b)(5)(A) and (b)(5)(B) as calculated for rate year 1994 shall remain in effect through fiscal year 1995. Hospitals not qualifying in rate year 1994 (October 1, 1993, through September 30, 1994) must submit the data described in 89 Ill. Adm. Code 148.150 in order to qualify in rate year 1995 (October 1, 1994, through September 30, 1995).

c) Uncompensated care payment adjustments as described in 89 Ill. Adm. Code 148.150(h) for the period of October 1, 1994, through June 30, 1995, shall be adjusted by a factor that will equalize aggregate payments made under 89 Ill. Adm. Code 148.150(h) during the period of July 1, 1994, through June 30, 1995, to the payments made under 89 Ill. Adm. Code 148.150(g) and (h) during the period of July 1, 1993, through June 30, 1994. The factor shall be a fraction the numerator

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of which is the aggregate uncompensated care payments for the period of July 1, 1993, through June 30, 1994, and the denominator of which is the aggregate uncompensated care payments for the period of July 1, 1994, through June 30, 1995.

d) Trauma center adjustments as described in 89 Ill. Adm. Code 148.290(c)(1), (c)(2), and (c)(3) for the period of October 1, 1994, through June 30, 1995, shall be adjusted by a factor that will equalize aggregate payments made under 89 Ill. Adm. Code 148.290(c)(1), (c)(2), and (c)(3) during the period of July 1, 1994, through June 30, 1995, to the payments made under 89 Ill. Adm. Code 148.290(c)(1), (c)(2), and (c)(3) during the period of July 1, 1993, through June 30, 1994. The factor shall be a fraction the numerator of which is the aggregate trauma center adjustments for the period of July 1, 1993, through June 30, 1994, and the denominator of which is the aggregate trauma center adjustments for the period of July 1, 1994, through June 30, 1995.

e) Rehabilitation hospital adjustments as described in 89 Ill. Adm. Code 148.290(d)(1) for the period of October 1, 1994, through June 30, 1995, shall be adjusted by a factor that will equalize aggregate payments made under 89 Ill. Adm. Code 148.290(d)(1) during the period of July 1, 1994, through June 30, 1995, to the payments made under 89 Ill. Adm. Code 148.290(d)(1) during the period of July 1, 1993, through June 30, 1994. The factor shall be a fraction the numerator of which is the aggregate rehabilitation hospital adjustments for the period of July 1, 1993, through June 30, 1994, and the denominator of which is the aggregate rehabilitation hospital adjustments for the period of July 1, 1994, through June 30, 1995.

f) Perinatal center adjustments as described in 89 Ill. Adm. Code 148.290(e)(1) for the period of October 1, 1994, through June 30, 1995, shall be adjusted by a factor that will equalize aggregate payments made under 89 Ill. Adm. Code 148.290(e)(1) during the period of July 1, 1994, through June 30, 1995, to the payments made under 89 Ill. Adm. Code 148.290(e)(1) during the period of July 1, 1993, through June 30, 1994. The factor shall be a fraction the numerator of which is the aggregate perinatal center adjustments for the period of July 1, 1993, through June 30, 1994, and the denominator of which is the aggregate perinatal center adjustments for the period of July 1, 1994, through June 30, 1995.

g) Obstetrical care adjustments as described in 89 Ill. Adm. Code 148.290(f)(1) for the period of October 1, 1994, through June 30, 1995, shall be adjusted by a factor that will equalize aggregate payments made under 89 Ill. Adm. Code 148.290(f)(1) during the period of July 1, 1994, through June 30, 1995, to the payments made under 89 Ill. Adm. Code 148.290(f)(1) during the period of July 1, 1993, through June 30, 1994. The factor shall be a fraction the numerator of which is the aggregate obstetrical care adjustments for the period of July 1, 1993, through June 30, 1994, and the denominator of which is the aggregate obstetrical care adjustments for the period of July 1, 1994, through June 30, 1995.

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- 17-1994-through-June-30-1995-
- †† Targeted-access-payment-adjustments-as-described-in-89 Ill. Adm. Code 148.290(g)(2)(B) and (g)(4) and (g)(6) for the period of October 17, 1994, through June 30, 1995, shall be adjusted by a factor that will equalize aggregate payments made under 89 Ill. Adm. Code 148.290(g)(2)(B) and (g)(4) and (g)(6) during the period of July 1, 1994, through June 30, 1995, to the payments made under 89 Ill. Adm. Code 148.290(g)(2)(B) and (g)(4) and (g)(6) during the period of July 1, 1993, through June 30, 1994. The factor shall be a fraction the numerator of which is the aggregate targeted access payment adjustments for the period of July 1, 1993, through June 30, 1994, and the denominator of which is the aggregate targeted access payment adjustments for the period of July 1, 1994, through June 30, 1995.
- †† Targeted-access-payment-adjustments-as-calculated-under-subsection (h) above, for the period of October 17, 1994, through June 30, 1995, shall be further adjusted by a factor which will inversely adjust targeted access spending in an amount equal to the updates calculated under 89 Ill. Adm. Code 148.290(g)(2)(B) and 148.290(h)(2)(E). The factor shall be a fraction the numerator of which is the amount equal to the updates calculated under 89 Ill. Adm. Code 148.290(g)(2)(B) and 148.290(h)(2)(E) and the denominator of which is the aggregate targeted access payment adjustments made under 89 Ill. Adm. Code 148.290(h) above during the period of July 1, 1994, through June 30, 1995.
- †† Medicaid-high-volume-adjustments-as-described-in-89 Ill. Adm. Code 148.290(h)(2)(B) for the period of October 17, 1994, through June 30, 1995, shall be adjusted by a factor that will equalize aggregate payments made under 89 Ill. Adm. Code 148.290(h)(2)(B) during the period of July 1, 1994, through June 30, 1995, to the payments made under 89 Ill. Adm. Code 148.290(h)(2)(B) during the period of July 1, 1993, through June 30, 1994. The factor shall be a fraction the numerator of which is the appropriate Medicaid-high-volume adjustments for the period of July 1, 1993, through June 30, 1994, and the denominator of which is the aggregate Medicaid-high-volume adjustments for the period of July 1, 1994, through June 30, 1995.
- †† This Section shall be automatically repealed effective June 30, 1995.

(Source: Emergency repealer at 19 Ill. Reg. 10236, effective June 30, 1995, for a maximum of 150 days)

Section 152.150 Diagnosis Related Grouping (DRG) Prospective Payment System (PPS)

EMERGENCY

- a) Notwithstanding any provisions set forth in 89 Ill. Adm. Code 149, the changes in rule described in this Section will be effective January 18, 1994.
- b) For the rate periods, as described in 89 Ill. Adm. Code

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- 148.25(g)(2)(B), the DRG weighting factors shall be adjusted by a factor, the numerator of which is the statewide weighted average DRG base payment rate in effect for the base period, as described in 89 Ill. Adm. Code 148.25(g)(2)(A), and the denominator of which is the statewide weighted average DRG base payment rate for the rate period, as described in 89 Ill. Adm. Code 148.25(g)(2)(B). For this adjustment, DRG base payment rate means the product of the PPS base rate, as described in 89 Ill. Adm. Code 149.100(c)(3), and the indirect medical education factor, as described in 89 Ill. Adm. Code 149.150(c)(3).
- c) All payments calculated under 89 Ill. Adm. Code 149.140 and 149.150(c)(1), (c)(2) and (c)(4), in effect on January 18, 1994, shall remain in effect until June 30, 1996 June-30-1995.
- d) For hospital inpatient services rendered on or after July 1, 1995, and prior to July 1, 1996, the Department shall reimburse hospitals using the relative weighting factors and the base payment rates calculated pursuant to the methodology described in this Section, that were in effect on June 30, 1995, less the portion of such rates attributed by the Department to the cost of medical education.
- e) This Section shall be automatically repealed effective June 30, 1996 June-30-1995.

(Source: Emergency amendment at 19 Ill. Reg. 10236, effective June 30, 1995, for a maximum of 150 days)

Section 152.200 Non-DRG Reimbursement Methodologies

EMERGENCY

- a) Notwithstanding any provisions set forth in 89 Ill. Adm. Code 148, the changes in rule described in this Section will be effective January 18, 1994.
- b) All per diem payments calculated under 89 Ill. Adm. Code 148, except for those described in 89 Ill. Adm. Code 148.120, 148.160, 148.170, 148.175(d) and 148.290(d) 148.290(h)(2)(B) through 148.290(h)(2)(E), in effect on January 18, 1994, shall remain in effect until June 30, 1996 June-30-1995.
- c) This Section shall be automatically repealed effective June 30, 1996 June-30-1995.

(Source: Emergency amendment at 19 Ill. Reg. 10236, effective June 30, 1995, for a maximum of 150 days)

Section 152.250 Appeals

EMERGENCY

- a) Right to appeal. Any hospital seeking to appeal its prospective payment rate for operating costs related to inpatient care or other allowable costs must submit a written request to the Department on or

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before July 31, 1995 ~~within 30 days after the date of the letter notifying the hospital of its prospective rate~~. The written request must contain the information as specified in subsection (c) below. The Department shall respond to the hospital's request for additional reimbursement within 30 days or after receipt of any additional documentation requested by the Department, whichever is later. The hospital shall bear the burden of proof throughout the appeal process. Non-appealable issue. The October 1, 1993, rates and reimbursement systems used to calculate the rates are not appealable.

c) Appeal documentation.

1) The hospital must submit an explanation of the circumstances creating the need for the appeal, including a detail of the hospital services that will be significantly curtailed if the hospital is not granted financial relief. The explanation must include a statement of attestation signed by the hospital's chief executive officer, chief financial officer, treasurer or its properly authorized agent. The signature verifies by written declaration, and under penalties of perjury, that the signing officer has personally examined the documentation and that the information is true, correct, and complete.

2) The hospital must file a cash position statement which is based upon current assets (including all unrestricted investments), current liabilities and other data for a date which is less than 60 days old. Any liabilities payable to owners or related parties must not be reported as current liabilities on the cash position statement.

3) The hospital must submit a copy of its last two financial statements audited by an external, independent certified public accountant. If the hospital is part of a group of entities which are related by common ownership or control or both, a consolidated financial statement audited by an external, independent certified public account is also required. If consolidated financial statements are not available, then the individual audited financial statements from each of the related entities may be submitted separately. The Department will merge the information. A hospital that qualifies for financial relief under Section 152.250(d)(4)(B) must submit copies of its last three or five audited financial statements, depending upon the qualification option chosen.

d) Appeal Process. In no event shall financial relief be awarded, unless the hospital demonstrates to the satisfaction of the Director that the Medicaid rate it receives under the Medicaid prospective payment system is insufficient to ensure Medicaid recipients reasonable access to sufficient inpatient hospital services of adequate quality. In making such demonstration the hospital must meet all of the following criteria:

1) The current Medicaid prospective payment rate jeopardizes the long-term financial viability of the hospital. In appropriate

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cases, financial jeopardy may be shown to exist if, by providing care to Medicaid recipients at the current Medicaid rate, the hospital can demonstrate that it is, in the aggregate, incurring a marginal loss. In appropriate cases, financial jeopardy may be shown to exist if the hospital is incurring a marginal gain but can demonstrate that it has unique and compelling Medicaid costs, which if unreimbursed by Medicaid, would clearly jeopardize the hospital's long-term financial viability.

2) The population served by the hospital seeking financial relief has no reasonable access to other inpatient hospitals. Reasonable access exists if most individuals served by the hospital seeking financial relief can receive inpatient hospital care within a 30 minute travel time at total cost which is less to the Department than the costs which would be incurred at the hospital seeking financial relief.

3) The ratio of current assets to current liabilities reflected on the cash position statement described in subsection (c)(2) above is less than 1.0. Hospitals whose Medicaid inpatient utilization rate, as defined in Section 148.120(k)(5), is greater than 50 percent and whose average length of stay during State fiscal year 1994 was less than 20 days, may exclude Medicaid accounts receivables from this calculation and define funded depreciation as a restricted fund under subsection (f)(5) of this Section.

4) The financial statements described in subsection (c)(3) above: ~~must reflect a net loss in each of the two periods if the~~

A) must reflect a net loss in each of the two periods if the hospital's Medicaid inpatient utilization rate, as defined in 89 Ill. Adm. Code 148.120(k)(5), is less than 50 percent,

or

B) must reflect a net loss in two out of the last three periods (hospitals owned by a Federally Qualified Health Center (FQHC) may exclude federal section 330 grant revenue from this calculation), or reflect a net loss in three out of the last five periods with an aggregate loss over the five year period, if the hospital's Medicaid inpatient utilization rate, as defined in 89 Ill. Adm. Code 148.120(k)(5), is greater than 50 percent and its average length of stay during State fiscal year 1994 was less than 20 days.

5) The most recent financial statement as described in subsection (c)(3) above must reflect a ratio of current assets to current liabilities of less than 1.3. Hospitals whose Medicaid inpatient utilization rate, as defined in 89 Ill. Adm. Code 148.120(k)(5), is greater than 50 percent and its average length of stay during State fiscal year 1994 was less than 20 days, may exclude Medicaid accounts receivable from this calculation and define funded depreciation as a restricted fund under subsection (f)(5) of this Section.

e) Financial relief. If the hospital demonstrates adequate financial

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jeopardy, the Department will determine the amount of the financial relief to be granted. The amount of the financial relief will be dependent upon the individual hospital's needs.

f) Definitions. For purposes of this Section, unless the context requires otherwise:

- 1) "Current assets" must follow Generally Accepted Accounting Principles, except for this purpose all unrestricted investments must be included as current assets.
- 2) "Current liabilities" must follow Generally Accepted Accounting Principles, except for this purpose any liabilities due to entities related by ownership or control must not be included as current liabilities.
- 3) "Marginal loss" is the amount by which total variable costs for each patient day exceeds the Medicaid payment rate. In calculating marginal loss, the hospital shall compute variable costs at 60 percent of total inpatient operating costs and fixed costs at 40 percent of total inpatient operating costs; however, the Director may accept a different ratio of fixed and variable operating costs if a hospital is able to demonstrate that a different ratio is appropriate for its particular institution.
- 4) "Ratio of current assets to current liabilities" means current assets divided by current liabilities, as defined above.
- 5) "Unrestricted investments" means funds which have not been restricted by the donors for use only for some purpose other than hospital operations. Also, investments which have been legally restricted against use for hospital operations, such as loan collateral, will be considered to be restricted. Funds restricted by the hospital's board of directors will be considered as unrestricted funds for the purpose of this analysis unless otherwise allowed for under the provisions noted in Section 152.250(d)(3), (d)(4)(B) and (d)(5).
- g) This Section shall be automatically repealed effective June 30, 1996 June-30-1995.

(Source: Emergency amendment at 19 Ill. Reg. **10236**, effective June 30, 1995, for a maximum of 150 days)

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- 1) Heading of the Part: Long Term Care Reimbursement Changes
- 2) Code Citation: 89 Ill. Adm. Code 153
- 3) Section Numbers: Emergency Action:
153.100 Amendment
153.150 Repeal
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, par. 12-13) [305 ILCS 5/12-13]
- 5) Effective Date of Amendments: June 30, 1995
- 6) If these Emergency Amendments are to expire before the end of the 150-day period, please specify the date on which it is to expire: Not Applicable
- 7) Date Filed in Agency's Principal Office: June 30, 1995
- 8) Reason for Emergency: These emergency amendments are being filed pursuant to the Governor's fiscal year 1996 budget plan and the enactment of the State's budget by the legislature. The continued maintenance of rates for long term care facilities is a necessary component of the Department's budget reduction initiatives for fiscal year 1996. Emergency rulemaking is specifically authorized for the implementation of budget reduction initiatives for fiscal year 1996 by Section 10-95 of Public Act 89-21.
- 9) Complete Description of the Subjects and Issues Involved: The Department of Public Aid is filing these emergency amendments to maintain rates of reimbursement for long term care services at the levels which have been effective since January 18, 1994. The maintenance of rates will continue through June 30, 1996, and will affect nursing homes, facilities for persons with developmental disabilities, and developmental training facilities. Several exceptions to the rate maintenance provisions are detailed in the rules. Two such exceptions are being added to recognize changes in ownership between non-profit facilities and profit facilities and vice versa in which real estate taxes are paid or not paid by the previous owner (depending on whether the facility changing ownership was a non-profit or profit facility) and to recognize additional expenditures related to facility and service improvements undertaken in facilities which experienced a change of ownership during a specified period of time prior to January 18, 1994. These cost containment measures are necessary to permit the Department to continue to purchase long term care services in a prudent and cost effective manner, and to prevent excessive and unnecessary expenditures.

The Department is also repealing Section 153.150 as specified by the intent to automatically repeal, effective June 30, 1995, which is found in

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subsection (g). Quality assurance (QA) reviews in nursing facilities will therefore be eliminated. The elimination of QA reviews is necessary due to Department staffing needs in response to new long term care initiatives.

The continued maintenance of rates in long term care facilities is not expected to result in any budgetary changes. However, it is anticipated that the new provisions regarding changes in ownership will result in an annual expenditure of approximately \$3.1 million.

10) Are there any Proposed Amendments pending to this Part? Yes

Sections	Proposed Action	Illinois Register Citation
153.100	Amendment	March 24, 1995 (19 Ill. Reg. 4331)
153.150	Amendment	March 24, 1995 (19 Ill. Reg. 4331)

11) Statement of Statewide Policy Objectives: These emergency amendments do not affect units of local government.

12) Information and questions regarding these Emergency Amendments shall be directed to:

Name: Joanne Jones
 Address: Bureau of Rules and Regulations
 Illinois Department of Public Aid
 100 South Grand Avenue East, Third Floor
 Springfield, Illinois 62762
 Telephone: (217) 524-3215

The full text of the Emergency Amendments begins on the next page:

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TITLE 89: SOCIAL SERVICES
 CHAPTER I: DEPARTMENT OF PUBLIC AID
 SUBCHAPTER e: GENERAL TIME-LIMITED CHANGES

PART 153

LONG TERM CARE REIMBURSEMENT CHANGES

Section
 153.100 Reimbursement for Long Term Care Services
 EMERGENCY
 153.150 Quality Assurance Review (Repealed)
 EMERGENCY

AUTHORITY: Implementing and authorized by Articles III, IV, V, and VI and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V, and VI and 12-13] and implementing Article III of the Illinois Health Finance Reform Act [20 ILCS 2215/Art. III].

SOURCE: Emergency rules adopted at 18 Ill. Reg. 2159, effective January 18, 1994, for maximum of 150 days; adopted at 18 Ill. Reg. 10154, effective June 17, 1994; emergency amendment at 18 Ill. Reg. 11380, effective July 1, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 16669, effective November 1, 1994; emergency amendment at 19 Ill. Reg. 10245, effective June 30, 1995, for a maximum of 150 days.

Section 153.100 Reimbursement for Long Term Care Services
 EMERGENCY

- a) Notwithstanding the provisions set forth in 89 Ill. Adm. Code 140.144 and 147 for reimbursement of long term care services, effective January 18, 1994, reimbursement rates for long term care facilities (SNF/ICF and ICF/MR) and day training providers will remain at the levels in effect on January 18, 1994, except as otherwise provided in this Section.
- b) The results of Inspection of Care (IOC) surveys for which the exit conference is completed prior to January 18, 1994, will be processed and reflected in facility rates effective with the annual nursing rate adjustment date. The reconsideration process which is provided for in 89 Ill. Adm. Code 147.100 remains in effect for these surveys and other surveys set forth in this Section.
- c) Capital and support rates in effect on January 18, 1994, will be adjusted based on final audits of cost report data in accordance with 89 Ill. Adm. Code 140.582(b) and 140.590.
- d) Capital rates will be increased for major capital improvements in accordance with 89 Ill. Adm. Code 140.560(c) and (e).
- e) New facilities which are assigned median rates in accordance with 89 Ill. Adm. Code 140.560(b) will have rates recalculated based upon receipt of their first cost report and first IOC survey.
- f) Rates may change based upon an interim IOC conducted at the facility's

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written request for any facility which changed ownership no earlier than 90 days prior to and not later than January 18, 1994. The interim IOC request must include justification and documentation which supports one of the criteria set forth in 89 Ill. Adm. Code 147.150(d).

g) Requests for interim IOCs received through January 18, 1994, will be processed in accordance with 89 Ill. Adm. Code 147.150(d).

h) Interim IOCs may be conducted, at the facility's written request, if there has been a change in the Medicaid census since the last IOC survey in accordance with 89 Ill. Adm. Code 147.150(d), except that the requirement that the request must be made within 180 days after the last IOC need not be met. The written request must contain documentation supporting the change in Medicaid census.

i) The Department reserves the right to initiate interim IOC surveys, if necessary, based upon a significant reduction in the level of resident care or for the health and safety concerns of residents.

j) Any rate adjustments that result from an interim IOC conducted under this Section will have an effective date of the first day of the month following the exit date of the interim IOC.

k) Requests for IOCs upon which rate determinations are based upon a Medicaid resident being transferred from a State operated developmentally disabled facility to a community setting will be considered on a case-by-case basis.

l) Fiscal year 1996 rates may change based on the latest filed cost report as of June 30, 1995, submitted for any facility which changed ownership in arms-length transactions between unrelated parties will be recognized for this rate change. The new support rate for those facilities will be calculated in accordance with 89 Ill. Adm. Code 140.560 and 140.561.

m) For those for-profit facilities whose fiscal year 1994 capital rate does not include a real estate tax component because it is based upon a non-profit facility's cost report, effective July 1, 1995, the real estate tax component will be added to the capital rate based upon the fiscal year 1994 median real estate tax rate for the HSA in which the home is located.

n) If a non-profit facility changes ownership on or after July 1, 1995, and the new owner is a for-profit facility, the real estate tax component will be added to the capital rate effective with the change of ownership as recognized by the Illinois Department of Public Health. The real estate tax component will be added at the HSA median tax rate in effect for the month in which the real estate tax becomes effective.

o) For those non-profit facilities whose fiscal year 1994 capital rate includes a real estate tax component based upon a for-profit facility's cost report, effective July 1, 1995, the real estate tax component of the capital rate will be removed (unless the non-profit facility rents the home from an unrelated for-profit entity).

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p) If a for-profit facility changes ownership on or after July 1, 1995, and the new owner is a non-profit facility, the real estate tax component will be removed from the capital rate effective with the date of change in ownership as recognized by the Illinois Department of Public Health. The real estate tax component will not be removed for a non-profit facility that rents the facility from an unrelated for-profit entity.

q) This Section shall be automatically repealed effective June 30, 1996 June 30, 1995.

(Source: Emergency amendment at 19 Ill. Reg. 10245, effective June 30, 1995, for a maximum of 150 days)

Section 153.150 Quality Assurance Review (Repealed)

EMERGENCY

a) Purpose-----Notwithstanding the provisions set forth in 89 Ill. Adm. Code 147 for inspection of care (106) in nursing facilities, effective July 1, 1994 through June 30, 1995, quality assurance (QA) reviews will be conducted in nursing facilities to verify that programs scored during the last 106 and new programs established for Medicaid residents continue to meet criteria as described in 89 Ill. Adm. Code 147.

b) Review process

1) QA reviews will include the following program areas--from the 106:

- A) Restorative-Bathing/Grooming
- B) Restorative-Clothing
- C) Restorative-Eating
- D) Restorative-Mobility
- E) Restorative-Continence
- F) Psychosocial/Mental-Status
- G) Pressure-Ulcer-Treatment
- H) Pressure-Ulcer-Prevention
- I) Psychotropic-Med-Reduction
- J) Passive-Range-of-Motion
- K) Restraint-Reduction-and-Management

2) A random 30 percent sample of Medicaid clients residing in a facility will be selected for the review.

3) Wherever possible, the sample will only include residents surveyed during the last 106.

4) When there is not a sufficient number of residents in the facility from the last 106 to derive a random 30 percent sample, the sample will be chosen from the entire Medicaid population of the facility.

5) No less than ten Medicaid residents will be reviewed--unless fewer than ten Medicaid residents reside in the facility.

6) In facilities with a Medicaid census of less than ten--all

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- Medicaid residents will be reviewed.
- 7) Assessments plans of care and implementation of programs will be reviewed as described in 89 Ill. Adm. Code 147.
- 8) Copies of completed QA modified Form BPA-2507 will be presented to the facility daily.
- 9) Each QA review will be concluded with an exit conference.
- e) Resolution
- 1) There will be no formal negotiation or arbitration.
- 2) There may be residents who are not receiving the same services now that they were receiving at the last IQR. Resident health status may change over time either through improvement or deterioration and the resident may no longer benefit from a program. Consequently, the resolution process will include a provision for scoring discontinued programs where there is documentation to support that the program was discontinued appropriately because the resident could no longer benefit from it. The facility is encouraged to discuss discontinued programs with Department staff and to present any documentation to support its position.
- 3) Disagreement on any QA review findings that cannot be settled between the facility and QA team will be resolved at the Bureau of Long-Term Care (BLTC) regional supervisor level.
- 4) Notification of QA Results
- 1) Data gathered during the QA review will be evaluated by the Department.
- 2) If the results of the QA review indicate the current service level is at least 90 percent of the service level of the last IQR, the facility will pass the QA review and no further action will be taken.
- 3) To determine whether the 90 percent level has been maintained the Department will compare the dollar amount allocated from the QA review for the 11 program areas to the reimbursed amount for the same 11 program areas from the latest IQR.
- 4) If the QA review indicates a reduction of more than ten percent in the earned rate, the following procedures will be implemented:
- A) The facility will be notified in writing of the QA findings within 30 days after the QA review exit date.
- B) Upon request from the facility, a consultation will be provided by BLTC field staff to assist the facility with correction of problems.
- C) A follow-up QA review will be conducted between 90 and 120 days after the first QA exit date.
- 1) The procedure defined in subsection (b) through (d) of this section will be used to select a 30 percent random sample for the follow-up QA review.
- 2) Resolution as defined in subsection (c) above is available during the follow-up QA review.

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- B) The facility will be notified in writing of the follow-up QA findings within 30 days after the follow-up QA review exit date.
- C) If the follow-up QA review indicates a reduction after more than ten percent in earned rate from the last IQR, a full IQR on 100 percent of Medicaid residents will be initiated within 45 days after notification of the results from the follow-up QA review.
- e) Rate Adjustments
- 1) In any case where a 100 percent review is performed due to a reduction in services, rates will be recalculated and reduced, if indicated, based upon the full IQR results. The reduced rate will become effective on the first day of the month following the month that the full IQR exit took place.
- 2) Rates will not be increased based upon IQR results.
- 3) The QA review process will be used during the rate maintenance period which ends June 30, 1995.
- 4) This Section shall be automatically repeated effective June 30, 1995.

(Source: Emergency amendment at 19 Ill. Reg. 10245, effective June, 30, 1995, for a maximum of 150 days)

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- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Section Numbers: Emergency Action:
140.500 Amendment
140.504 Amendment
140.505 Repeal
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, par. 12-13) (305 ILCS 5/12-13)
- 5) Effective Date of Amendments: July 1, 1995
- 6) If these Emergency Amendments are to expire before the end of the 150-day period, please specify the date on which it is to expire: Not Applicable
- 7) Date Filed in Agency's Principal Office: July 1, 1995
- 8) Reason for Emergency: These emergency amendments are being filed pursuant to the enactment of the State's budget plan by the legislature. These amendments eliminate potential loss of federal matching funds following termination of long term care facilities from the Medical Assistance Program, and are a necessary component of the Department's budget reduction initiatives for fiscal year 1996. Emergency rulemaking is specifically authorized for the implementation of budget reduction initiatives for fiscal year 1996 by Section 10-95 of Public Act 89-21.
- 9) Complete Description of the Subjects and Issues Involved: These emergency amendments are being filed in conjunction with related emergency amendments to 89 Ill. Adm. Code 104, Practice in Administrative Hearing. The amendments provide changes in the Department's policies and procedures regarding the cessation of payment because of termination of a long term care facility from participation in the Medical Assistance Program. These changes allow the Department, in the case of nursing facilities, to cease payments effective with the date of termination established, regardless of the status of the hearing process. However, the amendments contain provisions for the continuation of payment, at the Department's sole discretion, when there are circumstances affecting the health, safety, and welfare of the long term care facility's resident population, which justify continued payment.
- These emergency amendments conform with federal regulations found at 42 CFR 441.11, which states must implement effective July 1, 1995. These federal regulations impose a limitation on the payment of federal matching funds (FFP) for nursing facility services following a notice to the facility of the intent to terminate. The budget reduction initiatives

- 10) Are there any Proposed Amendments pending to this Part? Yes

Sections	Proposed Action	Illinois Register Citation
140.3	Amendment	June 23, 1995 (19 Ill. Reg. 8066)
140.5	Amendment	June 23, 1995 (19 Ill. Reg. 8066)
140.27	Amendment	May 5, 1995 (19 Ill. Reg. 6268)
140.80	Amendment	March 17, 1995 (19 Ill. Reg. 3248)
140.80	Amendment	March 24, 1995 (19 Ill. Reg. 4337)
140.80	Amendment	July 7, 1995 (19 Ill. Reg. 8938)
140.82	Amendment	March 17, 1995 (19 Ill. Reg. 3248)
140.82	Amendment	March 24, 1995 (19 Ill. Reg. 4337)
140.82	Amendment	July 7, 1995 (19 Ill. Reg. 8938)
140.84	Amendment	March 17, 1995 (19 Ill. Reg. 3248)
140.84	Amendment	March 24, 1995 (19 Ill. Reg. 4337)
140.84	Amendment	July 7, 1995 (19 Ill. Reg. 8938)
140.440	Amendment	July 7, 1995 (19 Ill. Reg. 8938)
140.443	Amendment	July 7, 1995 (19 Ill. Reg. 8938)
140.444	Amendment	July 7, 1995 (19 Ill. Reg. 8938)
140.445	Amendment	July 7, 1995 (19 Ill. Reg. 8938)
140.446	Amendment	July 7, 1995 (19 Ill. Reg. 8938)
140.447	Amendment	July 7, 1995 (19 Ill. Reg. 8938)
140.461	Amendment	June 16, 1995 (19 Ill. Reg. 7806)
140.642	Amendment	April 14, 1995 (18 Ill. Reg. 5397)

- 11) Statement of Statewide Policy Objectives: These emergency amendments do not affect units of local government.

- 12) Information and questions regarding these Emergency Amendments shall be directed to:

Joanne Jones
Bureau of Rules and Regulations
Illinois Department of Public Aid
100 South Grand Avenue East, Third Floor
Springfield, Illinois 62762
(217) 524-3215

The full text of the Emergency Amendments begins on the next page:

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NOTICE OF EMERGENCY AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS

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AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act [20 ILCS 2215/Art. III] and implementing and authorized by Articles III, IV, V, VI and VII and Section 12-13 of the Illinois Public Aid Code [305 ILCS 5/Arts. III, IV, V, VI and VII, and 12-13].

SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; peremptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; codified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17899; peremptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; peremptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 24, 1984; peremptory amendment at 8 Ill. Reg. 22155, effective October 29, 1984;

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amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17295, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill. Reg. 6728, effective March 22,

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August 22, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14826, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg. 18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; Section 140.569 withdrawn at 15 Ill. Reg. 1174; amended at 15 Ill. Reg. 6220, effective April 18, 1991; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency expired December 22, 1991; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency October 12, 1992; emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; amended at 16 Ill. Reg. 11174, effective June 26, 1992; expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992; emergency amendment at 16 Ill. Reg. 11947, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186, effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 15109, effective September 21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 15561, effective September 30, 1992; amended at 16 Ill. Reg. 17302, effective November 2, 1992; emergency amendment at 16 Ill. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19146, effective December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 837, effective January 11, 1993; amended at 17 Ill. Reg. 1112, effective January 15, 1993; amended at 17 Ill. Reg. 2290, effective February 15, 1993; amended at 17 Ill. Reg. 2951, effective February 17, 1993; amended at 17 Ill. Reg. 3421, effective February 19, 1993; amended at 17 Ill. Reg. 6196, effective April 5, 1993; amended at 17 Ill. Reg. 6839, effective April 21, 1993; amended at 17 Ill. Reg. 7004, effective May 17, 1993; expedited correction at 17 Ill. Reg. 7078, effective December 1, 1992; emergency amendment at 17 Ill. Reg. 11201, effective July 1, 1993 for a maximum of 150 days; emergency amendment at 17

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1988; Sections 140.900 thru 140.912 and 140.Table H and 140.Table I recodified to 89 Ill. Adm. Code 147.5 thru 147.205 and 147.Table A and 147.Table B at 12 Ill. Reg. 6956; amended at 12 Ill. Reg. 6927, effective April 5, 1988; Sections 140.940 thru 140.972 recodified to 89 Ill. Adm. Code 149.5 thru 149.325 at 12 Ill. Reg. 7401; amended at 12 Ill. Reg. 7695, effective April 21, 1988; amended at 12 Ill. Reg. 10497, effective June 3, 1988; amended at 12 Ill. Reg. 11868, effective June 14, 1988; emergency amendment at 12 Ill. Reg. 12509, effective July 15, 1988; amended at 12 Ill. Reg. 14271, effective August 29, 1988; emergency amendment at 12 Ill. Reg. 16921, effective September 28, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 16738, effective October 5, 1988; amended at 12 Ill. Reg. 17879, effective October 24, 1988; amended at 12 Ill. Reg. 18198, effective November 4, 1988; amended at 12 Ill. Reg. 19396, effective November 6, 1988; amended at 12 Ill. Reg. 19734, effective November 15, 1988; amended at 13 Ill. Reg. 125, effective January 1, 1989; amended at 13 Ill. Reg. 2475, effective February 14, 1989; amended at 13 Ill. Reg. 3069, effective February 28, 1989; amended at 13 Ill. Reg. 3351, effective March 6, 1989; amended at 13 Ill. Reg. 3917, effective March 17, 1989; amended at 13 Ill. Reg. 5115, effective April 3, 1989; amended at 13 Ill. 5718, effective April 10, 1989; amended at 13 Ill. Reg. 7025, effective April 24, 1989; Sections 140.850 thru 140.896 recodified to 89 Ill. Adm. Code 146.5 thru 146.225 at 13 Ill. Reg. 7040; amended at 13 Ill. Reg. 7786, effective May 20, 1989; Sections 140.94 thru 140.398 recodified to 89 Ill. Adm. Code 148.10 thru 148.390 at 13 Ill. Reg. 9572; emergency amendment at 13 Ill. Reg. 10977, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 11516, effective July 3, 1989; amended at 13 Ill. Reg. 12119, effective July 7, 1989; Section 140.110 recodified to 89 Ill. Adm. Code 148.120 at 13 Ill. Reg. 12118; amended at 13 Ill. Reg. 12562, effective July 17, 1989; amended at 13 Ill. Reg. 14391, effective August 31, 1989; emergency amendment at 13 Ill. Reg. 15473, effective September 12, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 15992, effective October 16, 1989; amended at 14 Ill. Reg. 190, effective December 21, 1989; amended at 14 Ill. Reg. 2564, effective February 9, 1990; emergency amendment at 14 Ill. Reg. 3241, effective February 14, 1990, for a maximum of 150 days; emergency expired July 14, 1990; amended at 14 Ill. Reg. 4543, effective March 12, 1990; emergency amendment at 14 Ill. Reg. 4577, effective March 6, 1990, for a maximum of 150 days; emergency expired August 3, 1990; emergency amendment at 14 Ill. Reg. 5575, effective April 1, 1990, for a maximum of 150 days; emergency expired August 29, 1990; emergency amendment at 14 Ill. Reg. 5865, effective April 3, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 7141, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990; emergency amendment at 14 Ill. Reg. 7249, effective April 27, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 10062, effective June 12, 1990; amended at 14 Ill. Reg. 10409, effective June 19, 1990; emergency amendment at 14 Ill. Reg. 12082, effective July 5, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 13262, effective August 6, 1990; emergency amendment at 14 Ill. Reg. 14184, effective August 16, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 14570, effective

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Ill. Reg. 15162, effective September 2, 1993, for a maximum of 150 days; emergency amendment at 17 Ill. Reg. 18152, effective October 1, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 18571, effective October 8, 1993; emergency amendment at 17 Ill. Reg. 18611, effective October 1, 1993, for a maximum of 150 days; emergency amendment suspended effective October 12, 1993; amended at 17 Ill. Reg. 20999, effective November 24, 1993; emergency amendment repealed at 17 Ill. Reg. 22583, effective December 20, 1993; amended at 18 Ill. Reg. 3620, effective February 28, 1994; amended at 18 Ill. Reg. 4250, effective March 4, 1994; amended at 18 Ill. Reg. 5951, effective April 1, 1994; emergency amendment at 18 Ill. Reg. 10922, effective July 1, 1994, for a maximum of 150 days; emergency amendment suspended, effective November 15, 1994; emergency amendment repealed at 19 Ill. Reg. 5839, effective April 4, 1995; amended at 18 Ill. Reg. 11244, effective July 1, 1994; amended at 18 Ill. Reg. 14126, effective August 29, 1994; amended at 18 Ill. Reg. 16675, effective November 1, 1994; amended at 18 Ill. Reg. 18059, effective December 19, 1994; amended at 19 Ill. Reg. 1082, effective January 20, 1995; amended at 19 Ill. Reg. 2933, effective March 1, 1995; emergency amendment at 19 Ill. Reg. 3529, effective March 1, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 5663, effective April 1, 1995; amended at 19 Ill. Reg. 7919, effective June 5, 1995; emergency amendment at 19 Ill. Reg. 8455, effective June 9, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 9297, effective July 1, 1995, for a maximum of 150 days; emergency amendment at 19 Ill. Reg. 10252, effective July 1, 1995, for a maximum of 150 days.

SUBPART E: GROUP CARE

Section 140.500 Long Term Group Care Services

EMERGENCY

Payments to provide medical long term care group--care services to Medicaid clients recipients shall be made only facilities licensed by the Illinois Department of Public Health and approved and certified for participation by that Department except such payments as are made pursuant to Section 140.504, 140.505 or Section 140.506 or 89 Ill. Adm. Code 104.273. These facilities include skilled nursing homes (SNF), intermediate care facilities (ICF), intermediate care facilities for the mentally retarded (ICF/MR), skilled nursing homes for pediatrics (SNF/PED), specialized living centers (SLC), and state operated group-care facilities. Provision of any payments for long term care group--care services are governed by Sections 140.500 through 140.907 and 89 Ill Adm. Code 104.273.

(Source: Emergency amendment at 19 Ill. Reg. 10252, effective July 1, 1995, for a maximum of 150 days)

Section 140.504 Cessation of Payment Because of Termination of Facility

EMERGENCY

a) The Department shall cease payments for the care of a Medicaid client

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

residing recipient in an ICF/MR a-group-care facility effective 30 days following the Department's decision after hearing that the facility be terminated from participation in the Department's Medical Assistance Program, unless the Department determines, that--have determined pursuant to subsection (c) below, Section 140.505 that payments should be continued for--that-recipient.

b) The Department shall cease payments for care of a Medicaid client residing in a nursing home (not an ICF/MR facility) effective with the termination date established by the Department, unless the Department determines, pursuant to subsection (c) below, that payments should be continued. Pursuant to 89 Ill. Adm. Code 104.208(c), the termination will be effective on such date regardless of whether any hearing requested has been completed.

c) The Department has sole discretion to continue payment after the termination date when there are circumstances affecting the health, safety, and welfare of the long term care facility's residents which justify continued payment. Such circumstances include, but are not limited to, alternate facility placement cannot be found or transfer of a resident, as certified by a physician, may endanger the resident's life.

(Source: Emergency amendment at 19 Ill. Reg. 10252, effective July 1, 1995, for a maximum of 150 days)

Section 140.505 Continuation of Payment Because of Threat to Life (Repealed)
EMERGENCY

if the Department determines, on the basis of competent medical evidence, that the recipient's life would be endangered if the recipient were required to move from--a-group-care--facility--the Department may continue to pay for medical services to such a recipient within such facility--until--the move--would--no longer be life-threatening to the recipient.

(Source: Emergency repealer at 19 Ill. Reg. 10252, effective July 1, 1995, for a maximum of 150 days)

DEPARTMENT OF PUBLIC AID

NOTICE OF EMERGENCY AMENDMENTS

1) Heading of the Part: Practice in Administrative Hearings2) Code Citation: 89 Ill. Adm. Code 1043) Section Numbers: Emergency Action:

104.208 Amendment
 104.210 Amendment
 104.270 Amendment
 104.273 Amendment

4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, par. 12-13) [305 ILCS 5/12-13]5) Effective Date of Amendments: July 1, 19956) If these Emergency Amendments are to expire before the end of the 150-day period, please specify the date on which it is to expire: Not Applicable7) Date Filed in Agency's Principal Office: July 1, 1995

8) Reason for Emergency: These emergency amendments are being filed pursuant to the enactment of the State's budget plan by the legislature. These amendments eliminate potential loss of federal matching funds following termination of long term care facilities from the Medical Assistance Program, and are a necessary component of the Department's budget reduction initiatives for fiscal year 1996. Emergency rulemaking is specifically authorized for the implementation of budget reduction initiatives for fiscal year 1996, by Section 10-95 of Public Act 89-21.

9) Complete Description of the Subjects and Issues Involved: These emergency amendments to the Department's rules affect the administrative hearing process for vendors who participate in the Medical Assistance Program. The amendments add new provisions pertaining to the hearing rights of long term care facilities when responding to joint action by the Department and the Department of Public Health (DPH), of the Department's intent to terminate, suspend or deny the provider agreement, and of DPH's intent to deny certification. The amendments allow the Department, in the case of nursing facilities, to cease payments effective with the date of termination established, regardless of the status of the hearing process.

These emergency amendments conform with federal regulations found at 42 CFR 441.11, which states must implement effective July 1, 1995. These federal regulations impose a limitation on the payment of federal matching funds (FFP) for nursing facility services following a notice to the facility of the intent to terminate. The budget reduction initiatives contained in Public Act 89-21 allow the Department to cease facility payments prior to the conclusion of the hearing process, and comply with

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federal regulations.

It is anticipated that these emergency amendments will result in the elimination of FFP loss that occurs when payments to nursing facilities continue beyond the date of termination. During the first three quarters of fiscal year 1995, \$4 million in FFP was lost on that basis.

10) Are there any Proposed Amendments pending to this Part? No11) Statement of Statewide Policy Objectives: These emergency amendments do not affect units of local government.12) Information and questions regarding these Emergency Amendments shall be directed to:

Joanne Jones
 Bureau of Rules and Regulations
 Illinois Department of Public Aid
 100 South Grand Avenue East, Third Floor
 Springfield, Illinois 62762
 (217) 524-3215

The full text of the Emergency Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID
NOTICE OF EMERGENCY AMENDMENTS
TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER a: GENERAL PROVISIONS

PART 104
PRACTICE IN ADMINISTRATIVE HEARINGS
SUBPART A: ASSISTANCE APPEAL

Section	
104.1	Assistance Appeals
104.10	Initiation of Appeal Process
104.11	Pre-Appeal Review
104.12	Notice of Hearing
104.20	Conduct of Hearings
104.21	Representation
104.22	Appellant Participation in Hearing
104.23	Evidentiary Requirements
104.30	Subpoenas
104.35	Amendment of Appeal
104.40	Consolidation of Appeals
104.45	Postponement or Continuation of Hearings
104.50	Withdrawal of Appeal
104.55	Closing of Hearing Record
104.60	Dismissal of Appeal
104.70	Final Administrative Decision
104.80	Public Aid Committee

SUBPART B: RESPONSIBLE RELATIVE AND JOINT PAYEE PETITIONS

Section	
104.100	Responsible Relative and Joint Payee Petitions
104.101	Petition for Hearing
104.102	Conduct of Administrative Support Hearings
104.103	Conduct of Hearings to Contest the Determination of Past-Due Support or of Share of Jointly-Owned Funds
104.104	Conduct of Other Hearings

SUBPART C: MEDICAL VENDOR HEARINGS

Section	
104.200	Applicability
104.202	Definitions
104.204	Notice of Denial of an Application
104.206	Notice of Intent to Recover Money
104.208	Notice of Intent to Terminate, Suspend or Not Renew Provider Agreement

EMERGENCY

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104.209	Notice of Intent to Certify Past-Due Support Owed by a Responsible Relative to a State Licensing Agency and to Take Disciplinary Action Right to Hearing
104.210	
EMERGENCY	

104.211	Notice of Termination or Suspension Pursuant to Exclusion by the Department of Health and Human Services
104.212	Prior Factual Determinations
104.215	Notice of Formal Conference
104.216	Formal Conference on Recovery of Money
104.217	Purpose of Formal Conference
104.220	Notice of Hearing
104.221	Issues at Hearings
104.225	Legal Counsel
104.226	Appearance of Attorney or Other Representative
104.230	Notice, Service and Proof of Service
104.231	Form of Papers
104.235	Discovery
104.240	Conduct of Hearings
104.241	Amendments
104.242	Motions
104.243	Subpoenas
104.244	Burden of Proof
104.245	Witness at Hearings
104.246	Evidence at Hearings
104.247	Cross-Examination
104.250	Official Notice
104.255	Computer Generated Documents
104.260	Recommendation of Peer Review Committee
104.270	Time Limits for Hearings
EMERGENCY	
104.271	Continuances and Extensions
104.272	Withholding of Payments During Pendency of Proceedings
104.273	Continuation of Payments During Pendency of Proceedings
EMERGENCY	
104.274	Denial of Payments for Services During Pendency of Proceedings
104.280	Record of Hearings
104.285	Failure to Appear or Proceed
104.290	Recommended Decision
104.295	Director's Decision

SUBPART D: RULES FOR JOINT DEPARTMENT ACTIONS AGAINST SKILLED NURSING FACILITIES AND INTERMEDIATE CARE FACILITIES PARTICIPATING IN THE MEDICAID PROGRAM

Section	
104.300	Authority
104.302	Definitions
104.304	Department Actions Against Nursing Homes Facilities

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- 104.310 Certification
 104.320 Joint Administrative Hearing
 104.330 Facilities Certified Under Both Medicare and Medicaid

SUBPART E: FOOD STAMP ADMINISTRATIVE DISQUALIFICATION HEARINGS

- 104.400 Suspected Intentional Violation of the Program
 104.410 Advance Notice of Administrative Disqualification Hearing
 104.420 Postponement of Hearing
 104.430 Administrative Disqualification Hearing Procedures
 104.440 Failure to Appear
 104.450 Participation While Awaiting a Hearing
 104.460 Consolidation of Administrative Disqualification Hearing with Fair Hearing
 104.470 Administrative Disqualification Hearing Decision and Notice of Decision
 104.480 Appeal Procedure

SUBPART F: INCORPORATION BY REFERENCE

Section

- 104.800 Incorporation by Reference

AUTHORITY: Implementing Sections 11-8 through 11-8.7, 12-4.9 and 12-4.25 and authorized by Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 11-8 through 11-8.7, 12-4.9, 12-4.25 and 12-13) [305 ILCS 5/11-8 through 11-8.7, 12-4.9, 12-4.25 and 12-13].

SOURCE: Filed and effective December 30, 1977; emergency rule at 2 Ill. Reg. 11, p. 151, effective March 9, 1978, for a maximum of 150 days; amended at 2 Ill. Reg. 21, p. 10, effective May 26, 1978; amended at 2 Ill. Reg. 33, p. 57, effective August 17, 1978; peremptory amendment at 3 Ill. Reg. 11, p. 38, effective March 1, 1979; amended at 4 Ill. Reg. 21, p. 80, effective May 8, 1980; peremptory amendment at 5 Ill. Reg. 1197, effective January 23, 1981; amended at 5 Ill. Reg. 10753, effective October 1, 1981; amended at 6 Ill. Reg. 894, effective January 7, 1982; codified at 7 Ill. Reg. 5706; amended at 8 Ill. Reg. 5274, effective April 9, 1984; amended (by adding Sections being codified with no substantive change) at 8 Ill. Reg. 16979; amended at 8 Ill. Reg. 18114, effective September 21, 1984; amended at 10 Ill. Reg. 10129, effective June 1, 1986; amended at 11 Ill. Reg. 9213, effective April 30, 1987; amended at 12 Ill. Reg. 9142, effective May 16, 1988; amended at 13 Ill. Reg. 3944, effective March 10, 1989; amended at 13 Ill. Reg. 17013, effective October 16, 1989; amended at 14 Ill. Reg. 18836, effective November 9, 1990; amended at 15 Ill. Reg. 5320, effective April 1, 1991; amended at 15 Ill. Reg. 6557, effective April 30, 1991; amended at 16 Ill. Reg. 12903, effective August 15, 1992; amended at 16 Ill. Reg. 16632, effective October 23, 1992; amended at 16 Ill. Reg. 18834, effective December 1, 1992; emergency amendment at 17 Ill. Reg. 659, effective January 7, 1993, for a maximum of 150 days; amended at 17 Ill.

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Reg. 7025, effective April 30, 1993; amended at 18 Ill. Reg. 11260, effective July 1, 1994; amended at 19 Ill. Reg. 1321, effective January 30, 1995; emergency amendment at 19 Ill. Reg. **10-268**, effective July 1, 1995, for a maximum of 150 days.

SUBPART C: MEDICAL VENDOR HEARINGS

Section 104.208 Notice of Intent to Terminate, Suspend or Not Renew Provider Agreement
EMERGENCY

- a) Except for actions brought jointly by the Department of Public Aid and the Department of Public Health pursuant to Section 104.300, the following provisions apply. If, in an action other than one under 89 Ill. Adm. Code 140.16(a)(2) or one under 89 Ill. Adm. Code Section 140.16(a)(9) based on a conviction for a violation of the Illinois Public Aid Code, the Department intends to terminate or suspend a vendor's eligibility to participate in the Medical Assistance program, or terminate (or not renew) a vendor's provider agreement, it shall notify the vendor in writing, setting forth:

- 1) the reason for the Department's action,
- 2) a statement of the right to request a hearing prior to the intended action taking effect,
- 3) a statement of the time, place and nature of the hearing,
- 4) a statement of the legal authority and jurisdiction under which the hearing is to be held, and
- 5) a reference to the provisions of the statutes and rules involved.

- b) Except for actions brought jointly by the Department of Public Aid and the Department of Public Health pursuant to Section 104.300, the following provisions apply. If, in an action under 89 Ill. Adm. Code 140.16(a)(2) except in an action initiated pursuant to Section 104.211, or one under 89 Ill. Adm. Code Section 140.16(a)(9) based on a conviction for a violation of the Illinois Public Aid Code, the Department intends to terminate or suspend a vendor's eligibility to participate in the Medical Assistance program, or terminate (or not renew) a vendor's provider agreement, it shall notify the vendor in writing, setting forth:

- 1) the reason for the Department's action,
- 2) the effective date of the action,
- 3) a statement that the vendor has the opportunity to respond prior to the effective date and a statement of how and to whom such a response should be made,
- 4) a statement that the action will be effective on such date regardless of whether any hearing requested has been completed,
- 5) a statement of the right to request a hearing,
- 6) a statement of the time, place and nature of the hearing,
- 7) a statement of the legal authority and jurisdiction under which the hearing is to be held, and

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- c) a reference to the provisions of the statutes and rules involved. In an action brought jointly against a nursing home (not an ICF/MR facility) by the Illinois Department of Public Aid and the Illinois Department of Public Health pursuant to Section 104.300 in which the Department of Public Aid intends to terminate, suspend or deny the provider agreement, and the Department of Public Health intends to deny certification, the Departments shall notify the vendor in writing, setting forth:

- 1) the reason for the Department's action,
 - 2) the effective date of the action,
 - 3) a statement that the vendor has an opportunity to respond prior to the effective date and a statement of how and to whom such a response should be made,
 - 4) a statement that the action will be effective on such date regardless of whether any hearing requested has been completed,
 - 5) a statement of the right to request a hearing,
 - 6) a statement that a hearing will be scheduled to take place within 30 days after receipt of a request for hearing,
 - 7) a statement of the legal authority and jurisdiction under which the hearing is to be held, and
 - 8) a reference to the Sections of the statutes and rules involved.
- d) In an action brought jointly against an ICF/MR facility by the Illinois Department of Public Aid and the Illinois Department of Public Health pursuant to Section 104.300 in which the Department of Public Aid intends to terminate, suspend or deny the provider agreement, and the Department of Public Health intends to deny certification, the Departments shall notify the vendor in writing, setting forth:

- 1) the reason for the Department's action,
 - 2) a statement of the right to request a hearing prior to the intended action taking effect,
 - 3) a statement that a hearing will be scheduled to take place within 30 days after receipt of a request for hearing,
 - 4) a statement of the legal authority and jurisdiction under which the hearing is to be held, and
 - 5) a reference to the provisions of the statutes and rules involved.
- e) The notice shall also inform the vendor, where applicable, that the final administrative decision of the Department could result in suspension for a specific period of time as well as termination.

(Source: Emergency amendment at 19 Ill. Reg. 10268, effective July 1, 1995, for a maximum of 150 days)

Section 104.210 Right to Hearing**EMERGENCY**

- a) An entity may request a hearing within 10 days after the entity's receipt of the Department's notice of:

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NOTICE OF EMERGENCY AMENDMENTS

- 1) the Department's decision to deny an application (as provided in Section 104.204);
 - 2) the Department's intent to recover money (as provided in Section 104.206);
 - 3) the Department's intent to terminate or suspend a vendor's eligibility or terminate (or not renew) a vendor's provider agreement (as provided in Section 104.208); or
 - 4) the Department's intent to certify past-due support owed by a responsible agency to a State licensing agency and the licensing agency's intent to take disciplinary action (as provided in Section 104.209).
- b) A request for hearing must be received by the Department within 10 days of the date on which the vendor received the Department's notice.
- c) This request must be in writing and must contain a brief statement of the basis upon which the Department's action is being challenged.
- d) If such a request is not received within 10 days, or is received but later withdrawn, the Department's decision and the grounds asserted as the basis therefor in the notice shall be a final and binding administrative determination.
- e) In actions initiated pursuant to Section 104.206 or 104.208(b), if a vendor requests a hearing, such a request shall not delay the effective date of action set forth in the Notice. In all other actions initiated pursuant to Sections 104.204 or 104.208(a) or (d), the action shall not take place until the final administrative decision has been issued.
- f) A long term care facility may request a hearing within 60 days after receipt of the Department's notice on any action initiated pursuant to Section 104.208(c) or (d). For a nursing home (not an ICF/MR facility), such request shall not delay the effective date of action set forth in the notice pursuant to Section 104.208(c).

(Source: Emergency amendment at 19 Ill. Reg. 10268, effective July 1, 1995, for a maximum of 150 days)

Section 104.270 Time Limits for Hearings**EMERGENCY**

- a) Hearings conducted pursuant to 89 Ill. Adm. Code 140.14 and 140.16 shall be scheduled within 30 days of service of the notice served under Sections 104.204 or 104.208(a) and (b).
- b) Hearings conducted pursuant to 89 Ill. Adm. Code 140.15 shall be scheduled within 30 days of the completion of the formal conference sessions.
- c) Hearings conducted as the result of an action taken pursuant to Section 104.300 shall be scheduled to take place within 30 days after receipt of a request for hearing in accordance with Section 104.208(c) or (d).

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(Source: Emergency amendment at 19 Ill. Reg. 10268, effective July 1, 1995, for a maximum of 150 days)

Section 104.273 Continuation of Payments During Pendency of Proceedings
EMERGENCY

The Department will continue to make payments during the pendency of an administrative proceeding when federal or State law or regulation does not require such payments to be withheld, and in the following circumstances:

- a) ~~Federal or State law or regulation does not require such payments to be withheld, and--b)--~~ If the vendor is a nursing home (not an ICF/MR facility), the Department will continue to make payments up to the termination date established by the Department for services rendered to persons continuously eligible for and receiving Medical Assistance and residing in the home on the date of the Department's notice initiating the administrative proceeding; or
- b) If the vendor is an ICF/MR facility, the Department will continue to make payments for services rendered to persons continuously eligible for and receiving Medical Assistance and residing in the home on the date of the Department's notice initiating the administrative proceeding; or
- c) If the vendor is a hospital, the Department will continue to make payments for services rendered to hospitalized persons who are eligible for and receiving Medical Assistance on the date of the Department's notice initiating the administrative proceeding; or
- d) If the administrative proceeding only relates to recovery of money (and not termination), the Department will continue to process invoices for services rendered by the vendor subject to setoff for recovery of the amount sought in the proceeding; or
- e) If the administrative proceeding only relates to suspension and not termination of eligibility, the Department will continue to make payments for services rendered by the vendor.

(Source: Emergency amendment at 19 Ill. Reg. 10268, effective July 1, 1995, for a maximum of 150 days)

COMMISSIONER OF SAVINGS AND RESIDENTIAL FINANCE

NOTICE OF EMERGENCY AMENDMENT

- 1) Heading of the Part: Savings Bank Act
- 2) Code Citation: 38 Ill. Adm. Code 1075
- 3) Section Numbers: Emergency Action:
1075.1965 Amendment
- 4) Statutory Authority: Authorized by the Savings Bank Act [205 ILCS 205]
- 5) Effective Date of Amendment: June 29, 1995
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which they expire: This Emergency Rule will not expire before the end of the 150-day period.
- 7) Date Filed in Agency's Principal Office: June 26, 1995
- 8) Reason for Emergency: This emergency rulemaking is necessary to amend the savings bank rule governing repurchase of conversion stock by converted savings banks. Reasons underlying this request are as follows:

A recent application to repurchase stock revealed oversights in drafting or printing of Section 1075.1965. The provisions that were promulgated are in disorder. As a result, the rule may not be fully interpreted. The proposed amendment would allow the Agency to respond properly to the application.

Due to action at the federal level, the current rule disadvantages recently converted IL savings banks (as compared to federal and IL thrifts and probably other states' savings banks). The FDIC is permitted to approve 5% or less stock repurchases during the first year after the conversion where it is in the best interests of the savings bank and its shareholders. Our regulation currently does not permit this type of repurchase. Consequently, our regulation is less responsive to legitimate business purposes than that of the savings bank's federal regulator and insurer, the FDIC. This contradicts the Agency's general interest to promulgate stock conversion regulations that are not more burdensome than federal requirements. The proposed Emergency Amendment would eliminate this disadvantage.

The Agency has received an application to repurchase stock from a holding company of a savings bank. The application proposed to make open-market purchase of the company's stock up to 5% of the issued and outstanding stock. This application merits timely review. The application received was also the first savings bank to convert under the current regulatory regime. Its application may be followed by other applications from other recently converted savings banks.

COMMISSIONER OF SAVINGS AND RESIDENTIAL FINANCE

NOTICE OF EMERGENCY AMENDMENT

9) A Complete Description of the Subjects and Issues Involved: As amended, Section 1075.1965 would prohibit a converted savings bank from repurchasing conversion stock within one year of the conversion, except that the savings bank may repurchase up to 5% of the stock if the Commissioner finds that the repurchase would not adversely affect the savings bank or be inequitable to stock holders and is undertaken for legitimate business reasons.

10) Are there any proposed amendments to this Part Pending? None

11) Statement of Statewide Policy Objectives: This rule will not affect local government.

12) Information and questions regarding these amendments shall be directed to:

Name: Mr. Jay R. Stevenson, Chief Deputy Commissioner
Address: Office of the Commissioner of Savings and Residential Finance
500 East Monroe, Suite 800
Springfield, Illinois 62701-1509

Telephone: (217) 782-6169

The full text of the emergency amendments begins on the next page:

COMMISSIONER OF SAVINGS AND RESIDENTIAL FINANCE

NOTICE OF EMERGENCY AMENDMENT

TITLE 38: FINANCIAL INSTITUTIONS
CHAPTER VIII: COMMISSIONER OF SAVINGS AND RESIDENTIAL FINANCE
PART 1075
SAVINGS BANK ACT

SUBPART A: FILINGS

Section	Filings
1075.100	Conditions
1075.110	Examination Fees
1075.120	Supervisory Fees
1075.130	Adjusted Supervisory Fees
1075.140	

SUBPART B: DEFINITIONS

Section	Definitions
1075.200	

SUBPART C: REPORTS

Section	Contracts
1075.300	Financial Reports
1075.310	

SUBPART D: OPERATIONS

Section	Capital Stock
1075.400	Minimum Capital Requirement
1075.410	Conflicting Federal Powers, Law and Regulations
1075.415	Advertising
1075.420	Maintenance of Records
1075.430	Business Plan
1075.440	Excess Insurance
1075.450	Vacancies in the Board of Directors
1075.455	Bond of Officers, Directors, Employees and Agents
1075.460	Indemnification of Officers, Directors, Employees and Agents
1075.465	Deceptively Similar Names
1075.470	Manner of Display of Annual Meeting Notice
1075.480	Procedures for Exercise of Dissenters Rights
1075.490	

SUBPART E: INVESTMENTS

Section	Prudent Person Rule
1075.500	Investment Underwriting Practice
1075.505	

COMMISSIONER OF SAVINGS AND RESIDENTIAL FINANCE

NOTICE OF EMERGENCY AMENDMENT

1075.510 Discrimination and Redlining
 1075.515 Loans Secured by Real Estate
 1075.520 Construction Loans
 1075.525 Mobile Home Financing
 1075.530 Overdraft Loans
 1075.535 Education Loans
 1075.540 Vehicle/Automobile Loans
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1075.2175 Mutual Savings Bank
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1075.2200 Application -- Application Requirements

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1075.2220 Application -- Preparing the Application

1075.2230 Application -- Application Contents

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1075.2310 Proxy Statement -- Notice of Meeting

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1075.2340 Proxy Statement -- Voting Rights and Vote Required for Approval

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1075.2360 Proxy Statement -- Management Remuneration

1075.2370 Proxy Statement -- Business of the Applicant

1075.2380 Proxy Statement -- Description of the Plan of Conversion

1075.2390 Proxy Statement -- Description of Capital Stock

1075.2400 Proxy Statement -- Capitalization

1075.2410 Proxy Statement -- Use of New Capital

1075.2420 Proxy Statement -- New Charter, Bylaws, or Other Documents

1075.2430 Proxy Statement -- Other Matters

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1075.2510 Offering Circular -- Certain Manner of Presentation of Required Information Prohibited

1075.2520 Offering Circular -- Certain Named Persons -- Filing of Written Consent Required

1075.2530 Offering Circular -- Information Required

1075.2540 Offering Circular -- Additional Current Information Required

1075.2550 Offering Circular -- Statement Required in Offering Circulars

1075.2560 Offering Circular -- Preliminary Offering Circular

1075.2570 Offering Circular -- Information with Respect to Exercise of Subscription Rights

1075.2580 Offering Circular -- Information with Respect to Public Offering or Direct Community Offering

AUTHORITY: Implementing and authorized by the Savings Bank Act (Ill. Rev. Stat. 1991, ch. 17, pars. 7301-1 et seq.) [205 ILCS 205].

SOURCE: Emergency Rules adopted at 14 Ill. Reg. 15029, effective September 4, 1990, for a maximum of 150 days; adopted at 15 Ill. Reg. 1916, effective January 25, 1991; amended at 16 Ill. Reg. 4891, effective March 16, 1992; amended at 17 Ill. Reg. 8894, effective June 7, 1993; expedited correction at 17 Ill. Reg. 18223, effective June 7, 1993; emergency amendment adopted at 18

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Ill. Reg. 7016, effective April 22, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 15094, effective September 26, 1994; emergency amendment at 19 Ill. Reg. 10277, effective June 29, 1995, for a maximum of 150 days.

SUBPART O: CONVERSION OF MUTUAL SAVINGS BANK TO CAPITAL STOCK SAVINGS BANK

Section 1075.1965 **Converted Savings Bank Prohibited from Repurchasing its Stock Without Approval**
EMERGENCY

A converted savings bank shall not, for a period of one year from the date of the completion of the conversion, repurchase any of its capital stock, except that capital stock repurchases of no greater than 5% of the capital stock issued in the conversion may be repurchased during this one-year period if the Commissioner finds that:

- a) the repurchase would not adversely affect the financial condition of the savings bank;
 - b) the repurchase would not reduce the savings bank's capital below requirements established by the Commissioner or Federal law;
 - c) the repurchase would be equitable to shareholders;
 - d) the repurchase would be undertaken for legitimate business reason; and
 - e) the information submitted by the savings bank is sufficient upon which to base the findings required by this Section.
- a) No converted savings bank shall for a period of three years from the date of the completion of the conversion repurchase any of its capital stock from any person, except that this restriction shall not apply to either:
- i) a repurchase, on a pro-rata basis, pursuant to an offer made to all shareholders of such savings banks, except if any such repurchase when aggregated with all such repurchases during the immediately preceding six calendar months, would result in the repurchase of 10 percent or more of the savings bank's outstanding capital stock; the savings bank shall provide to the Commissioner not later than 30 days before the repurchase written notice containing a full description of the repurchase program to be undertaken and the effect of such repurchases on its capital position;
 - ii) Regarding subsection (a)(i) above, the Commissioner shall disapprove the repurchase program based upon a determination that:
 - A) the repurchase program would adversely affect the financial condition of the savings bank; or
 - B) the information submitted by the savings bank is insufficient upon which to base a conclusion as to whether the savings bank's financial condition would be adversely affected; or
 - C) the repurchases would reduce the savings bank's capital below the requirements established by the Commissioner or Federal law.

COMMISSIONER OF SAVINGS AND RESIDENTIAL FINANCE

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2) the repurchase of qualifying shares of a director or
3) a purchase in the open market by an employee stock benefit plan
or a management recognition plan in an amount reasonable and
appropriate to fund the plan.
c) Regarding approval required by subsection (a)(2) above, if the
Commissioner neither disapproves the repurchase or requests additional
information within 30 days of receipt of notice by the Commissioner
the repurchase shall be considered approved.

Source: Emergency amendment at 19 Ill. Reg. 10277, effective June
29, 1995, for a maximum of 150 days)

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF RESPONSE TO MEET THE OBJECTION OF THE JOINT COMMITTEE ON
ADMINISTRATIVE RULES

- 1) Heading of the Part: Subacute Alcoholism and Substance Abuse Treatment Services
- 2) Code Citation: 77 Ill. Adm. Code 2090
- 3) Section Number: Proposed Action:
- | | |
|---------|---------|
| 2090.20 | Amended |
| 2090.30 | Amended |
| 2090.40 | Amended |
| 2090.70 | Amended |

4) Notice of Proposed Amendments Published in the Illinois Register: March 17, 1995 (19 Ill. Reg. 3106)

5) JCAR Statement of Objection to Proposed Amendments Published in the Illinois Register: July 7, 1995 (19 Ill. Reg. 3349)

6) Summary of Action Taken by the Agency: In an effort to assist the State of Illinois in controlling the rate of growth in Medicaid expenditures, the Department of Alcoholism and Substance Abuse proposed a number of changes in its Administrative Rules which govern the reimbursement for Subacute Alcoholism and Substance Abuse Treatment Services to Medicaid-eligible clients. Without the proposed changes to the rules governing Medicaid reimbursement for treatment services, the department's projected Medicaid expenditures were estimated at \$82 million for FY'96. These projections represent a 37% increase over and above the actual Medicaid expenditures in FY'95.

Prior to implementation of the proposed Medicaid limitations, the department explored numerous alternatives to better control the rate of growth in Medicaid expenditures, including a detailed analysis of current "reimbursement limits" established by private insurance companies and managed care organizations payable to behavioral health care providers for covered treatment services. This study assisted the department in proposing the Medicaid reimbursement limits and the elimination of some services from Medicaid reimbursement within the department's FY'96 budget. The department's FY'96 budget request has included the same proposed limitations since its publication on March 1, 1995. The implementation of these initiatives reaffirms the longstanding policy that substance abuse treatment services are to be supported, not entirely underwritten, by state resources. Additional community-based support via collaborative local agreements is essential to the proper delivery of alcohol and other drug abuse treatment services.

In addition to controlling the rate of growth in Medicaid, the proposed Medicaid reimbursement changes have been formulated to:

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

NOTICE OF RESPONSE TO MEET THE OBJECTION OF THE JOINT COMMITTEE ON
ADMINISTRATIVE RULES

interest groups. This letter will thoroughly and completely explain the effect of this rulemaking upon the Medicaid reimbursement system for Subacute Alcoholism and Substance Abuse Treatment Services.

DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

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ADMINISTRATIVE RULES

- limit the number of costly long-term treatment stays;
- maximize treatment availability to Illinois residents needing and desiring treatment; and
- assist the state's treatment providers in a transition to a managed care approach for treatment services.

The Medicaid reimbursement limits or the elimination of Medicaid reimbursement for treatment services have not been imposed to limit or eliminate any treatment services to Medicaid-eligible clients in need of alcoholism and/or drug abuse treatment. Clients are not to be denied treatment service based on their inability to pay for such services. The Department of Alcoholism and Substance Abuse will continue to provide additional financial support for these services through its non-Medicaid fee-for-service payment system (ISPS). While methadone, adult detoxification and adult residential rehabilitation services are eliminated from Medicaid-eligible reimbursement, they have not been eliminated from state funding. The method and source of reimbursement for such services is simply being transformed. These treatment services will continue to be funded by department resources, but not under current Medicaid structures.

Those Medicaid-eligible services which have been limited will also realize supplemental reimbursements from state funds. To properly utilize these supplemental reimbursements standardized patient placement criteria (admission, continued stay and discharge) will be required, better assisting providers in making clinically appropriate decisions regarding continued stay and creating viable alternative to extending (Medicaid) reimbursements.

The Department of Alcoholism and Substance Abuse has made several efforts to thoroughly communicate the necessity of these changes to the state's treatment provider network throughout Illinois. After introduction of the Governor's proposed FY'96 budget, the department held open meetings in Springfield and in Chicago to thoroughly explain the reimbursement limitations proposed and the potential impact upon the affected public. Additionally, after First Notice of the proposed rules, the department received numerous comments to which the department responded, in writing, to better explain the cause and affect of the changes being proposed for Medicaid reimbursements. The department has also explained the proposed limitations for Medicaid reimbursements within *The Bulletin*, the department's monthly newsletter for the service provider network. To again respond to the provider community as well as to the specific lack of understanding outlined within the Joint Committee's Objection, the department shall issue a letter to every Medicaid certified service provider as well as other state agencies, trade associations and public

DEPARTMENT OF PUBLIC AID

NOTICE OF REFUSAL TO MEET THE OBJECTION OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

1) Heading of the Part: Hospital Services2) Code Citation: 89 Ill. Adm. Code 1483) Section Number: Proposed Action:

148.260 Amendment

4) Notice of Proposed Amendments Published in the Illinois Register: March 17, 1995 (19 Ill. Reg. 3167)5) JCAR Statement of Objection to Proposed Amendments Published in the Illinois Register: July 7, 1995 (19 Ill. Reg. _____)6) Summary of Action Taken by the Agency:

At its meeting on June 20, 1995, the Joint Committee on Administrative Rules issued an objection to Section 148.260(a)(1)(B)(iv) of the Department of Public Aid's proposed amendments to its rules entitled Hospital Services (89 Ill. Adm. Code 148), which were published on March 17, 1995, at 19 Ill. Reg 3167. As the basis of the objection, the Joint Committee cites "the disproportionate impact those provisions would have on per diem rate hospitals compared to other types of hospitals."

In consideration of the objection, the Department has thoroughly re-examined the proposed amendments and the impact of these provisions on hospitals. The Department has chosen not to modify the proposed amendments in response to the objection.

The provisions in question eliminate various adjustment payments, including payments made to hospitals for the costs of medical education. The elimination of the adjustment payments is based on Section 14-8 of the Illinois Public Aid Code (305 ILCS 5/14-8) as amended by Public Acts 88-88 and 89-554. The Department believes that the proposed provisions accomplish this in an equitable and fair manner.

Reimbursement for the cost of medical education, in the instance of hospital services paid on a per diem basis, is included in the cost-based rate. That rate includes all reasonable and allowable costs associated with the care of Medicaid patients, including the costs of training medical professionals, capital (buildings, new equipment, and other similar items), and direct patient care costs (room and board and ancillary services, such as blood tests, physical therapy, and other similar items).

Both direct and indirect costs are included in the cost of training medical professionals. Direct medical education (DME) costs are quantifiable.

DEPARTMENT OF PUBLIC AID

NOTICE OF REFUSAL TO MEET THE OBJECTION OF THE JOINT COMMITTEE ON ADMINISTRATIVE RULES

Such costs include resident and intern salaries, and other items that are itemized on the Medicare cost report as direct medical educational costs. Indirect costs of medical education (IME) are those additional operating costs incurred by hospitals with medical education programs (for example, increased number of tests).

Removal of costs attributable to medical education is hospital-specific, and is based upon information provided by the hospital through its annual cost report. Costs attributable to DME are specifically reported by the hospital. Indirect medical costs are attributed by using the formula prescribed by the federal Medicare program. Indirect medical costs are also hospital-specific and are calculated based upon the ratio of residents and interns to beds.

The proposed provisions do not disproportionately affect per diem hospitals. There are 35 per diem hospitals, and according to the Department's records, only four of those hospitals have residency programs which incur costs in support of medical education programs. On average, the indirect costs of medical education account for 9.3 percent of total costs in those four hospitals. There are 220 per admission (DRG) hospitals, of which 75 have residency programs. Indirect costs in support of medical education in those hospitals account for 11.9 percent of total costs. The average attributable costs are lower in the hospitals paid on a per diem basis. On an absolute basis, the costs in DRG hospitals are substantially higher because the comparable cost basis is substantially higher.

After having considered the objection and having re-examined both the underlying intent and the technical implementation of that intent, the Department will adopt these provisions as proposed. In relation to the specific impact of this decision on individual hospitals, it should be noted that any hospital that believes that the Department has erred may avail itself of the right under 89 Ill. Adm. Code 148.310 to appeal the factual basis of rate calculations.

CAPITAL DEVELOPMENT BOARD

JULY 1995 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Insurance and Surety Companies, 44 Ill. Adm. Code 1050

1) Rulemaking: Proposed Repealer

A) Description: This rule is being repealed and will be replaced by a new proposed rule.

B) Statutory Authority: Implementing and authorized by the Administrative Procedure Act [5 ILCS 100].

C) Scheduled meeting/hearing dates: None at this time.

D) Date agency anticipates First Notice: January 1, 1996.

E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Claire Gibson
Wm. G. Stratton Building, 3rd Floor
401 South Spring Street
Springfield, IL 62706
(217) 782-8729

G) Related rulemakings and other pertinent information: See A) above.

ILLINOIS COMMERCE COMMISSION

JULY 1995 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Rules of Practice, 83 Ill. Adm. Code 200

1) Rulemaking:

A) Description: This rulemaking will revise the Commission's rules of practice in line with recommendations from a Commission-appointed task force consisting of representatives of the Commission staff, utilities, consumer groups, industrial utility customers, and government. The topics covered will include filing requirements, service requirements, prehearing and hearing procedures, and post-hearing procedures.

B) Statutory Authority: Implementing and authorized by Section 10-101 of the Public Utilities Act [220 ILCS 5/10-101], Section 18c-1202 of the Illinois Commercial Transportation Law [625 ILCS 5/18c-1202], Section 18a-200 of the Illinois Commercial Relocation of Trespassing Vehicles Law [625 ILCS 5/18a-200], and Section 10 of the Electric Supplier Act [220 ILCS 30/10].

C) Schedule meeting/hearing date: No schedule has been set as of yet.

D) Date agency anticipates First Notice: July 21, 1995.

E) Affect on small businesses, small municipalities or not for profit corporations: This rulemaking should have no effect on small businesses, small municipalities, or not for profit corporations.

F) Agency contact person for information:

Conrad Rubinkowski
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62706
(217) 785-8439

G) Related rulemakings and other pertinent information: None.

b) Part(s) (Heading and Code Citation): Procedures for Gas, Electric, Water and Sanitary Sewer Utilities Governing Eligibility for Service, Deposits, Payment Practices and Discontinuance of Service, 83 Ill. Adm. Code 280.

1) Rulemaking:

A) Description: This rulemaking will revise the Commission's rules concerning the relation between the listed fixed utilities and

ILLINOIS COMMERCE COMMISSION

JULY 1995 REGULATORY AGENDA

the customers of these utilities. As indicated in the heading of this Part, the subjects include eligibility for service and shut-offs of utility service. It should be noted that this rulemaking will not consider the relation between customers and telecommunications carriers.

- B) Statutory Authority: Implementing the Small Business Utility Deposit Relief Act (220 ILCS 35) and Sections 8-101 and 8-207 of the Public Utilities Act (220 ILCS 5/8-101 and 8-207), and authorized by Section 8 of the Small Business Utility Deposit Relief Act (220 ILCS 35/8) and Sections 8-101, 8-207, and 10-101 of the Public Utilities Act (220 ILCS 5/8-101, 8-207, and 10-101).

- C) Schedule meeting/hearing date: No schedule set yet.

- D) Date agency anticipates First Notice: March 1, 1996.

- E) Affect on small businesses, small municipalities or not for profit corporations: This rulemaking may have some effect on small businesses and not for profit corporations.

- F) Agency contact person for information:

Conrad Rubinkowski
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62706
(217) 785-8439

- G) Related rulemakings and other pertinent information: None.

- c) Part(s) (Heading and Code Citation): Abbreviated Dialing Arrangements, 83 Ill. Adm. Code: Chapter I, subchapter F (exact Part designation undetermined at this time)

- 1) Rulemaking:

- A) Description: In Commission Docket 92-0117, which adopted 83 Ill. Adm. Code 772, "Pay-Per-Call Services", the Commission entered an order in which it was determined that the issue of the use of abbreviated dialing arrangements (the dialing of less than seven digits to complete a call) for pay-per-call services would not be considered in that rulemaking, but would be examined by the Commission at a later date. This issue had been raised in comments by the Illinois Telephone Association.

In a Staff Report issued April 21, 1995, the Commission Staff

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summarized the position of the Illinois Telephone Association and recommended that, prior to determining whether abbreviated calling arrangements should be added to the pay-per-call rules in Part 772, the Commission initiate a docket for the purposes of examining the issue of abbreviated dialing arrangements generally and formulating any Commission response in the form of rules. The Commission opened a docket on May 3, 1995 to examine this issue.

- B) Statutory Authority: Implementing Section 8-301 and authorized by Section 10-101 of the Public Utilities Act (220 ILCS 5/8-301 and 10-101).

- C) Schedule meeting/hearing date: Persons interested in participating in this proceeding should file a petition to intervene in Docket 95-0205.

- D) Date agency anticipates First Notice: April 1, 1996.

- E) Affect on small businesses, small municipalities or not for profit corporations: This rulemaking may have an effect on those small businesses that are also employing or may employ abbreviated dialing arrangements or those telecommunications carriers that are also small businesses offering such arrangements.

- F) Agency contact person for information:

Donna Caton
Chief Clerk
Illinois Commerce Commission
527 East Capitol Avenue
P.O. Box 19280
Springfield, IL 62794-9280
(217) 782-7434

- G) Related rulemakings and other pertinent information: None.

- d) Part(s) (Heading and Code Citation): Uniform System of Accounts for Gas Utilities, 83 Ill. Adm. Code 505.

- 1) Rulemaking:

- A) Description: The Federal Energy Regulatory Commission ("FERC") will be adopting changes in its uniform system of accounts ("USOA") within the next few months. When FERC adopts its new USOA, it will be necessary for the Commission to amend Part 505 to track these FERC changes, since the Commission's USOA

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incorporates portions of the FERC USOA.

- B) Statutory Authority: Implementing Sections 5-102 and 5-103 and authorized by Section 10-101 of the Public Utilities Act (220 ILCS 5/5-102, 5-103, and 10-101).

- C) Schedule meeting/hearing date: No hearings scheduled yet.

- D) Date agency anticipates First Notice: January 1, 1996.

- E) Affect on small businesses, small municipalities or not for profit corporations: This rulemaking will affect any gas utilities that are also small businesses.

- F) Agency contact person for information:

Conrad Rubinkowski
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62706
(217) 785-8439

- G) Related rulemakings and other pertinent information: None.

- e) Part(s) (Heading and Code Citation): Filings Made With the Federal Energy Regulatory Commission, 83 Ill. Adm. Code Chapter I, subchapter c (exact Part designation undetermined at this time)

1) Rulemaking:

- A) Description: The Commission may be initiating a rulemaking to require electric utilities to file with the Commission certain filings made by the utility with the Federal Energy Regulatory Commission.

- B) Statutory Authority: Implementing Sections 5-102, 5-103, and 10-101 of the Public Utilities Act (220 ILCS 5/5-102, 5-103, and 10-101).

- C) Schedule meeting/hearing date: No hearings set yet.

- D) Date agency anticipates First Notice: January 1, 1996.

- E) Affect on small businesses, small municipalities or not for profit corporations: This rulemaking will affect any electric utilities that are also small businesses.

- F) Agency contact person for information:

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Conrad Rubinkowski
Illinois Commerce Commission
527 East Capitol Avenue
Springfield, IL 62706
(217) 785-8439

- G) Related rulemakings and other pertinent information: None.

ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY

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- a) Part(s) (Heading and Code Citation): Operating Procedures for the Administration of Federal Funds, 20 Ill. Adm. Code 1520

1) Rulemaking:

A) Description: The Authority plans to propose rulemaking necessary for the implementation of the STOP Violence Against Women Formula and Discretionary Grants Program (Grants to Combat Violent Crimes Against Women). This grant program authorizes federal financial assistance to States for the development and enhancement of law enforcement, prosecution and victim programs in cases involving violent crimes against women.

B) Statutory Authority: 20 ILCS 3930/7

C) Schedule meeting/hearing dates: No meetings or hearings have yet been scheduled.

D) Date agency anticipates First Notice: The Authority anticipates that it will submit a notice of proposed rulemaking during the next 6 months of this year.

E) Affect on small businesses, small municipalities or not for profit corporations: The rule may affect small municipalities and not for profit corporations in that they are potential recipients of grant funds.

F) Agency contact person for information:

Name: Kristi Kangas
Address: 120 S. Riverside Plaza, Suite 1016
 Chicago, IL 60606
Telephone: 312-793-8550

G) Related rulemakings and other pertinent information: None

DEPARTMENT OF FINANCIAL INSTITUTIONS

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- a) Part(s) (Heading and Code Citation): Illinois Credit Union Act (38 Ill. Adm. Code 190)

1) Rulemaking:

A) Description: Establishes guidelines and limits on loans secured by real estate (Section 140).

B) Statutory Authority: 200 ILCS 305/8(2)

C) Schedule meeting/hearing date: Undetermined

D) Date agency anticipates First Notice: Unknown

E) Affect on small businesses, small municipalities or not for profit corporations: Correspondence asked for determination from Department of Commerce and Community Affairs.

F) Agency contact person for information:

M. Rose Kelly
 Chief Counsel
 Department of Financial Institutions
 100 W. Randolph Street, Suite 15-700
 Chicago, IL 60601
 (312) 814-2008

G) Related rulemakings and other pertinent information: Not Applicable

ILLINOIS GAMING BOARD

JULY 1995 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Riverboat Gambling 86 Ill. Adm. Code 3000.

1) Rulemaking:

A) Description: The Board anticipates rulemaking necessary for effective regulation of riverboat gambling in Illinois. This rulemaking shall include revisions to those sections concerning definitions, disciplinary actions, licensing administrative hearings, conduct of gaming and accounting procedures.

B) Statutory Authority: Implementing the Riverboat Gambling Act (230 ILCS 10).

C) Scheduled meeting/hearing dates: None Scheduled.

D) Date agency anticipates First Notice: Unknown

E) Affect on small businesses, small municipalities or not for profit corporations: None.

F) Agency contact person for information:

Name: John deGrasse
Address: Illinois Gaming Board
 160 N. LaSalle, Suite 300
 Chicago, Illinois 60601
Telephone: (312)814-4641

G) Related rulemakings and other pertinent information: None.

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

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- a) Part(s) (Heading and Code Citation): National Affordable Housing Act (HOME) Program, 47 Ill. Adm. Code 370

1) Rulemaking:

A) Description: Amends rules to bring them into conformity with the federal HOME Program regulations.

B) Statutory Authority: This rulemaking implements Title II of the National Affordable Housing Act of 1990 (P.L. 101-165) (the "HOME Act") and the regulations promulgated thereunder (24 CFR Part 92) and are authorized by Sections 7.2, 7.19, 7.24(a) and 7.25 of the Illinois Housing Development Act (20 ILCS 3805/7.2, 7.19, 7.24(a) and 7.25).

C) Schedule meeting/hearing date: October 20, 1995.

D) Date agency anticipates First Notice: November 15, 1995

E) Affect on small businesses, small municipalities or not for profit corporations: Affects Real estate developers.

F) Agency contact person for information:

Name: Richard B. Muller, Esq.
 Illinois Housing Development Authority
Address: 401 N. Michigan Ave., Ste. 900
 Chicago, IL 60611
Telephone: (312) 836-5327

G) Related rulemakings and other pertinent information: None

- b) Part(s) (Heading and Code Citation): Affordable Housing Bond Program, 47 Ill. Adm. Code 365

1) Rulemaking:

A) Description: Amends rules to reflect timing of loan.

B) Statutory Authority: Sections 7.19 and 7.25 of the Illinois Housing Development Act [20 ILCS 3805/7.19 and 7.25] and Sections 4 and 7(e) of the Illinois Affordable Housing Act [310 ILCS 65/4 and 7(e)].

C) Schedule meeting/hearing date: September 15, 1995.

D) Date agency anticipates First Notice: October 15, 1995.

ILLINOIS HOUSING DEVELOPMENT AUTHORITY

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E) Affect on small businesses, small municipalities or not for profit corporations: None

F) Agency contact person for information:

Name: Lori Silver-Finkel, Esq.
Illinois Housing Development Authority
Address: 401 N. Michigan Ave., Ste. 900
Chicago, IL 60611
Telephone: (312) 836-7341

G) Related rulemakings and other pertinent information: None

c) Part(s) (Heading and Code Citation): Public Information, Rulemaking and Organization, 2 Ill. Adm. Code 1975

1) Rulemaking:

A) Description: Amends the number of board members in a quorum.

B) Statutory Authority: Sections 3805/6 of the Illinois Housing Development Act.

C) Schedule meeting/hearing date: September 15, 1995.

D) Date agency anticipates First Notice:

E) Affect on small businesses, small municipalities or not for profit corporations:

F) Agency contact person for information:

Name: Richard B. Muller, Esq.
Illinois Housing Development Authority
Address: 401 N. Michigan Ave., Ste. 900
Chicago, IL 60611
Telephone: (312) 836-5327

G) Related rulemakings and other pertinent information:

ILLINOIS INDUSTRIAL COMMISSION

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a) Part: Pre-arbitration
50 Ill. Adm. Code 7020

Arbitration

50 Ill. Adm. Code 7030

1) Rulemaking:

A) Description: The Industrial Commission will propose changes in procedures relating to trial practice.

B) Statutory Authority: 820 ILCS 305/16 and 19

C) Scheduled Meeting: No dates have been set.

D) Date Agency Anticipates First Notice: Summer, 1995

E) Affect on small business, small municipalities or not-for-profit corporations: The amendments would affect all parties, including small businesses, small municipalities and not-for-profit corporations, to cases before the Industrial Commission. Most parties are represented by attorneys.

F) Agency contact person for information:

Kathryn A. Kelley
100 West Randolph Street
Suite 8-272
Chicago, IL 60601
(312) 814-6559

G) Related rulemaking and other pertinent information: Proposed amendments to 50 Ill. Adm. Code 7030.30 (19 Ill. Reg. 7764) are pending.

DEPARTMENT OF INSURANCE

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- a) Part(s) (Heading and Code Citation): Risk Based Capital Exemptions (50 Ill. Adm. Code 250)

1) Rulemaking:

- A) Description: The purpose of this Part is to implement Section 35A-55 of the Illinois Insurance Code as amended by HB 2331 which will become effective upon signature of the Governor.

- B) Statutory Authority: [215 ILCS 5/35A-55 and 401]

- C) Schedule meeting/hearing date: None have been scheduled.

- D) Date agency anticipates First Notice: November 30, 1995

- E) Effect on small businesses, small municipalities or not for profit corporations: The Department has determined that this Part will not affect small businesses.

- F) Agency contact person for information:

Name: Cynthia Stephenson
Address: Department of Insurance
320 West Washington Street
Fourth Floor
Springfield, Illinois 62767-0001
Telephone: (217) 782-1785

- G) Related rulemakings and other pertinent information:

- b) Part(s) (Heading and Code Citation): Life Insurance Buyer's Guide (50 Ill. Adm. Code 930)

1) Rulemaking:

- A) Description: The Department will be revising the buyers guide to further assist consumers with their purchasing decisions.

- B) Statutory Authority: [215 ILCS 5/401]

- C) Schedule meeting/hearing date: None have been scheduled.

- D) Date agency anticipates First Notice: November 15, 1995

- E) Effect on small businesses, small municipalities or not for

DEPARTMENT OF INSURANCE

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- profit corporations: The Department has determined that this amendment will not affect small businesses.

- F) Agency contact person for information:

Name: Tina Nieslawski
Address: Department of Insurance
320 West Washington Street
Fourth Floor
Springfield, Illinois 62767-0001
Telephone: (217) 782-8638

- G) Related rulemakings and other pertinent information:

- c) Part(s) (Heading and Code Citation): Construction and Filing of Life Insurance and Annuity Forms (50 Ill. Adm. Code 1405)

1) Rulemaking:

- A) Description: The Department will be amending the general requirements and guidelines of this Part to assist insurance companies with policy form filings.

- B) Statutory Authority: [215 ILCS 5/143 and 401]

- C) Schedule meeting/hearing date: None have been scheduled.

- D) Date agency anticipates First Notice: September 15, 1995

- E) Effect on small businesses, small municipalities or not for profit corporations: The Department has determined that these amendments will not affect small businesses.

- F) Agency contact person for information:

Name: Tina Nieslawski or Nancy Simpson
Address: Department of Insurance
320 West Washington Street
Fourth Floor
Springfield, Illinois 62767-0001
Telephone: (217) 782-8638 or (217) 782-1771

- G) Related rulemakings and other pertinent information:

- d) Part(s) (Heading and Code Citation): Construction and Filing of Accident and Health Forms (50 Ill. Adm. Code 2001)

1) Rulemaking:

DEPARTMENT OF INSURANCE

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A) Description: The Department will be amending the requirements for policy form filings.

B) Statutory Authority: [215 ILCS 5/143 and 401]

C) Schedule meeting/hearing date: None have been scheduled.

D) Date agency anticipates First Notice: November, 1995

E) Effect on small businesses, small municipalities or not for profit corporations: The Department has determined that these amendments will not affect small businesses.

F) Agency contact person for information:

Name: Cindy Colonius
Address: Department of Insurance
320 West Washington Street
Fourth Floor
Springfield, Illinois 62767-0001
Telephone: (217) 524-0663

G) Related rulemakings and other pertinent information:

a) Part(s) (Heading and Code Citation): Infertility Coverage (50 Ill. Adm. Code 2015)

1) Rulemaking:

A) Description: This Part establishes definitions, minimum benefit standards and allowable exclusions for infertility coverage.

B) Statutory Authority: [215 ILCS 5/356m]

C) Schedule meeting/hearing date: None have been scheduled.

D) Date agency anticipates First Notice: July 15, 1995

E) Effect on small businesses, small municipalities or not for profit corporations: The Department has determined that these amendments will not affect small businesses.

F) Agency contact person for information:

Name: Mary Petersen
Address: Department of Insurance

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320 West Washington Street
Fourth Floor
Springfield, Illinois 62767-0001
Telephone: (215) 524-4051

G) Related rulemakings and other pertinent information:
The Department will be changing the reference to the "American Fertility Society" to the "American Society for Reproductive Medicine" and we will be further clarifying existing language.

f) Part(s) (Heading and Code Citation): Uniform Medical Claim and Billing Forms (50 Ill. Adm. Code 2017)

1) Rulemaking:

A) Description: This Part establishes standardized forms to be used in the billing and reimbursement of health care.

B) Statutory Authority: [215 ILCS 5/143.31]

C) Schedule meeting/hearing date: None has been scheduled.

D) Date agency anticipates First Notice: July 15, 1995

E) Effect on small businesses, small municipalities or not for profit corporations: The Department has determined that small doctor offices and some health care providers will be affected by these amendments.

F) Agency contact person for information:

Name: Mary Petersen
Address: Department of Insurance
320 West Washington Street
Fourth Floor
Springfield, Illinois 62767-0001
Telephone: (217) 524-4051

G) Related rulemakings and other pertinent information:

g) Part(s) (Heading and Code Citation): Prelicensing and Continuing Education (50 Ill. Adm. Code 3119)

1) Rulemaking:

A) Description: This Part establishes the prelicensing and continuing education requirements for insurance producers

DEPARTMENT OF INSURANCE

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and educational providers. Additionally, there are standards for what an acceptable course is and what constitutes successful completion of a course for purposes of this Part.

- B) Statutory Authority: [215 ILCS 5/143, 401 and 494.1]
- C) Schedule meeting/hearing date: None have been scheduled.
- D) Date agency anticipates First Notice: October 1, 1995
- E) Effect on small businesses, small municipalities or not for profit corporations: These amendments will change the reporting requirement.
- F) Agency contact person for information:

Name: Ronald Hartsock
 Address: Department of Insurance
 320 West Washington Street
 Fourth Floor
 Springfield, Illinois 62767-0001
 Telephone: (217) 782-6368

- G) Related rulemakings and other pertinent information:
 Effective January 1, 1997, there will be a requirement that all insurance producers have continuing education credits. These amendments will specify the reporting procedure producers must follow and identify what causes are acceptable for use as continuing education credits for producers.

h) Part(s) (Heading and Code Citation): Subordinated Indebtedness (50 Ill. Adm. Code 202)

1) Rulemaking:

- A) Description: This Part sets standards for writing and servicing mortgage guaranty insurance.
- B) Statutory Authority: [215 ILCS 5/4 and 401]
- C) Schedule meeting/hearing date: None have been scheduled.
- D) Date agency anticipates First Notice: November 30, 1995
- E) Effect on small businesses, small municipalities or not for profit corporations: The Department has not yet had the

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opportunity to determine whether these amendments will have an effect on small businesses.

- F) Agency contact person for information:

Name: Cynthia Stephenson
 Address: Department of Insurance
 320 West Washington Street
 Fourth Floor
 Springfield, Illinois 62767-0001
 Telephone: (217) 782-1785

- G) Related rulemakings and other pertinent information:
 The Department will be amending this Part in an effort to refocus our regulatory intent toward the current trends of mortgage lending institutions.

ILLINOIS LIQUOR CONTROL COMMISSION

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- 1) Heading of the Part: The Illinois Liquor Control Commission
- 2) Code Citation: 11 Ill. Adm. Code 100
- 3) A description of the rules: To update Federal citations. To eliminate language already included in the statute.
Section 100.30 - Clarify the cause of action for violation of out-of-State liquor related laws.
Section 100.50 - Clarify that no licensee shall advertise in violation of State laws or regulations and eliminate the prohibition of advertisements referring to alcoholic content.
Section 100.70 - Eliminate the prohibition of stating alcoholic content of beer on labels. Include nonresident dealer in sections mandating how a manufacturer labels and seals alcoholic product.
Section 100.160(b) - Change coil equipment cleaning from once every week to once every two weeks.
Section 100.160(e) - Allow pre-mix alcoholic beverages to be brand specific.
Section 100.210(d) and (e) ADD - Allow a manufacturer or distributor which provides reasonable meal and entertainment, in the ordinary course of business, to a retail licensee to be considered de minimis and not a violation of 235 ILCS 5/6-5 or 5/6-6. Allow a manufacturer or distributor holding promotions at a licensed retail establishment without providing direct payment to the retailer to be considered de minimis and not a violation of 235 ILCS 5/6-5 or 5/6-6.
Section 100.240(d) - Delete "restaurant" before credit card.
Section 100.250 - Add clearer language to prohibit a retail licensee from purchasing from another retail licensee.
Section 100.280 - Prohibit giving away of alcoholic liquor for any purpose or using words such as "free" or "complimentary" in any advertisements.
Section 100.290(a) - Include alcoholic liquor sealed and labeled by a nonresident dealer in addition to a manufacturer.
Section 100.330 - Delete "indirect" in the second half of the section with regard to payments to retailers for advertisements.
ADD Sections to require at least one person eligible to sign the application be 18 years of age or older and to allow common purchase and

ILLINOIS LIQUOR CONTROL COMMISSION

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- storage of alcoholic liquor for multi-use facilities and add acceptable practices for special events.
- 4) Statutory Authority: The Liquor Control Act of 1934 [235 ILCS 5/3-12(2)].
 - 5) Schedule of dates for hearings, meetings, or other opportunities for public participation: Hearings will be scheduled if requested; comments can be directed to Arabel Alva Rosales, Executive Director.
 - 6) Date agency anticipates submitting to the Index Department a Notice of Proposed Rules and Amendments for publication in the Illinois Register: First week of July, 1995 or shortly thereafter.
 - 7) Information concerning this regulatory agenda shall be directed to:

Arabel Alva Rosales
Executive Director
Illinois Liquor Control Commission
100 W. Randolph St. #5-300
Chicago, IL 60601
 - 8) Will these amendments affect small business, small municipalities or not for profit corporations? Small business that provide tap cleaning service may be affected by a change from servicing an account once per week to once every two weeks.
 - 9) Other pertinent information concerning these rules and amendments: None

DEPARTMENT OF THE LOTTERY

JULY 1995 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Lottery (General) 11 Ill. Adm. Code 1770

1) Rulemaking:

- A) Description: The contemplated rulemaking would define "claim"; clarify which levels of prizes may be claimed at agent locations; lottery regional offices and lottery administrative offices; give Lotto players the option, at the time of ticket purchase, to elect to receive a lump sum payment versus the advertised grand prize paid in 20 installments; restrict grand prize claims by more than one person to partnership format, unless another claiming entity had been legally formed prior to ticket purchase; and eliminate the identification requirement for prizes of less than \$600, except to verify eligibility to play.

- B) Statutory Authority: Section 7.1 and 7.2 of the Illinois Lottery Law.

- C) Scheduled meeting/hearing dates: No meetings or hearings are scheduled.

- D) Date agency anticipates First Notice: October 1995

- E) Affect on small businesses, small municipalities or not for profit corporations: Small businesses, small municipalities and not for profit corporations will be affected only if such entities purchase a Lottery ticket or win a prize.

- F) Agency contact person for information:

Lisa A. Crites
Illinois Lottery
201 E. Madison
Springfield, IL 62702
(217) 524-5253

- G) Related rulemakings and other pertinent information: None.

DEPARTMENT OF PROFESSIONAL REGULATION

JULY 1995 REGULATORY AGENDA

- a) Part(s) (Heading and Code Citation): Illinois Dental Practice Act (68 Ill. Adm. Code 1220)

1) Rulemaking:

- A) Description: Rules will be updated to conform with the sunset rewrite of the Act this year.

- B) Statutory Authority: (225 ILCS 25)

- C) Schedule meeting/hearing date: No hearings or meetings have been scheduled yet.

- D) Date agency anticipates First Notice: Unknown.

- E) Effect on small businesses, small municipalities or not for profit corporations: Dentists, dental hygienists and dental education providers could be affected by this rulemaking.

- F) Agency contact person for information:

Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
(217) 785-0813 Fax: (217) 782-7645

- G) Related rulemakings and other pertinent information: None.

- b) Part(s) (Heading and Code Citation): Private Detective, Private Alarm, and Private Security Act of 1993 (68 Ill. Adm. Code 1240)

1) Rulemaking:

- A) Description: All references in the rules to the fingerprint process will be updated to allow for live scan fingerprints in lieu of fingerprint cards.

- B) Statutory Authority: (225 ILCS 446)

- C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.

- D) Date agency anticipates First Notice: Unknown.

- E) Effect on small businesses, small municipalities or not for profit corporations: This change should simplify the fingerprint process for applicants, speeding up the employment opportunities

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for security guards, alarm contractors and detectives.

F) Agency contact person for information:

Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
(217) 785-0813 Fax: (217) 782-7645

G) Related rulemakings and other pertinent information: None.c) Part(s) (Heading and Code Citation): Illinois Athletic Trainers Practice Act (68 Ill. Adm. Code 1160)1) Rulemaking:

A) Description: Rules will be updated to conform with the sunset rewrite of the Act this year.

B) Statutory Authority: (225 ILCS 5)

C) Schedule meeting hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Unknown

E) Effect on small businesses, small municipalities or not for profit corporations: Yet to be determined.

F) Agency contact person for information:

Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0813 Fax: 217/782-7645

G) Related rulemakings and other pertinent information: None.d) Part(s) (Heading and Code Citation): Collection Agency Act (68 Ill. Adm. Code 1210)1) Rulemaking:

A) Description: Rules will be updated to conform with the sunset rewrite of the Act this year.

DEPARTMENT OF PROFESSIONAL REGULATION

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B) Statutory Authority: (225 ILCS 425)

C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Unknown.

E) Effect on small businesses, small municipalities or not for profit corporations: Yet to be determined.

F) Agency contact person for information:

Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
(217) 785-0813 Fax: (217) 782-7645

G) Related rulemakings and other pertinent information: None.

e) Part(s) (Heading and Code Citation): Barber, Cosmetology, Esthetics, and Nail Technology Act of 1985 (68 Ill. Adm. Code 1175)1) Rulemaking:

A) Description: Rules will be updated to conform with the sunset rewrite of the Act this year.

B) Statutory Authority: (225 ILCS 410)

C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Unknown.

E) Effect on small businesses, small municipalities or not for profit corporations: Licensed barbers, cosmetologists, estheticians, nail technicians and their related education providers could be affected by these Proposed Amendments.

F) Agency contact person for information:

Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
(217) 785-0813 Fax: (217) 782-7645

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- G) Related rulemakings and other pertinent information: None.
- F) Part(s) (Heading and Code Citation): Professional Boxing and Wrestling Act (68 Ill. Adm. Code 1370)
- 1) Rulemaking:
- A) Description: Rules will be rewritten to bring them up to date with the Act.
- B) Statutory Authority: [225 ILCS 105]
- C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.
- D) Date agency anticipates First Notice: Unknown.
- E) Effect on small businesses, small municipalities or not for profit corporations: Boxers, wrestlers, their promoters and referees could be affected by these Proposed Amendments.
- F) Agency contact person for information:
 Department of Professional Regulation
 Attention: Jean A. Courtney
 320 West Washington, 3rd Floor
 Springfield, IL 62786
 (217) 785-0813 Fax: (217) 782-7645
- G) Related rulemakings and other pertinent information: None.
- 9) Part(s) (Heading and Code Citation): Dietetic and Nutrition Services Practice Act (68 Ill. Adm. Code 1245)
- 1) Rulemaking:
- A) Description: New Sections pertaining to continuing education and a code of ethics will be added to the rules for this newly regulated profession, along with any clean up necessary in the Sections adopted May 26, 1995.
- B) Statutory Authority: [225 ILCS 30]
- C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.
- D) Date agency anticipates First Notice: Unknown.

DEPARTMENT OF PROFESSIONAL REGULATION

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- E) Effect on small businesses, small municipalities or not for profit corporations: Dietitians, nutritionists and their education providers will be affected.
- F) Agency contact person for information:
 Department of Professional Regulation
 Attention: Jean A. Courtney
 320 West Washington, 3rd Floor
 Springfield, IL 62786
 (217) 785-0813 Fax: (217) 782-7645
- G) Related rulemakings and other pertinent information: None.
- h) Part(s) (Heading and Code Citation): Marriage and Family Therapy Licensing Act (68 Ill. Adm. Code 1283)
- 1) Rulemaking:
- A) Description: A Section pertaining to continuing education will be added.
- B) Statutory Authority: [225 ILCS 55]
- C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.
- D) Date agency anticipates First Notice: Unknown.
- E) Effect on small businesses, small municipalities or not for profit corporations: Licensed marriage and family therapists and continuing education (CE) sponsors for this profession will be affected when CE requirements and sponsor fees specified in the Act are implemented.
- F) Agency contact person for information:
 Department of Professional Regulation
 Attention: Jean A. Courtney
 320 West Washington, 3rd Floor
 Springfield, IL 62786
 (217) 785-0813 Fax: (217) 782-7645
- G) Related rulemakings and other pertinent information: None.
- i) Part(s) (Heading and Code Citation): Illinois Roofing Industry Licensing Act (68 Ill. Adm. Code 1460)

DEPARTMENT OF PROFESSIONAL REGULATION

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1) Rulemaking:

A) Description: Rules will be updated to conform with the sunset rewrite of the Act this year.

B) Statutory Authority: [225 ILCS 335]

C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Unknown.

E) Effect on small businesses, small municipalities or not for profit corporations: Roofing contractors could be affected by this rulemaking.

F) Agency contact person for information:

Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
(217) 785-0813 Fax: (217) 782-7645

G) Related rulemakings and other pertinent information: None.

J) Part(s) (Heading and Code Citation): Illinois Occupational Therapy Practice Act (68 Ill. Adm. Code 1315)

1) Rulemaking:

A) Description: Rules will be updated, including the establishing of ethical standards for occupational therapists.

B) Statutory Authority: [225 ILCS 1315]

C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Unknown.

E) Effect on small businesses, small municipalities or not for profit corporations: Occupational therapists will be affected by this rulemaking.

F) Agency contact person for information:

Department of Professional Regulation

DEPARTMENT OF PROFESSIONAL REGULATION

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Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
(217) 785-0813 Fax: (217) 782-7645

G) Related rulemakings and other pertinent information: None.

K) Part(s) (Heading and Code Citation): Illinois Physical Therapy Act (68 Ill. Adm. Code 1340)

1) Rulemaking:

A) Description: Rules will be updated to conform to the sunset rewrite of the Act this year.

B) Statutory Authority: [225 ILCS 1340]

C) Schedule meeting/hearing date: No hearings or meetings have been scheduled.

D) Date agency anticipates First Notice: Unknown.

E) Effect on small businesses, small municipalities or not for profit corporations: Physical therapists and physical therapist assistants will be affected by this rulemaking.

F) Agency contact person for information:

Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
(217) 785-0813 Fax: (217) 782-7645

G) Related rulemakings and other pertinent information: None.

DEPARTMENT OF REVENUE

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- a) Part(s) (Heading and Code Citation): Income Tax, 86 Ill. Adm. Code 100

1) Rulemaking

- A) Description: New rules will be added to Part 100 concerning the foreign tax credit against the income tax (IITA Section 601(b)(3)), the tax credit for Tech Prep Youth Vocational Programs (IITA Section 209), and the Dependent Care Assistance Credit (IITA Section 210)).

Part 100 will be amended by the addition of rules governing the definition of "financial organization" (IITA Section 1501(a)(8)) and rules governing the Director's exercise of discretionary authority relative to reallocation of items under Section 404 of the Illinois Income Tax Act.

Subpart P of Part 100 will be amended to update the Department's rules concerning the filing of combined returns under Section 502(e) of the Illinois Income Tax Act.

Some rule changes will be made to Part 100, as a result of recent legislation. As a result of the adoption of P.A. 88-669, rules with respect to acceptance of substitute W-2s will be proposed. Pursuant to 88-648, the Department has been developing rules to implement the Medical Care Savings Account Act.

Finally, the Department will continue the updating of Part 100.

- B) Statutory Authority: 35 ILCS 5/101 and 35 ILCS 5/1401

- C) Schedule meeting/hearing date: No schedule has been established at this time.

- D) Date agency anticipates First Notice: As noted above, there will be a number of rulemakings proposed with respect to Part 100 over the next six months. We anticipate filing rulemakings amending Part 100 on a regular basis during the last six months of this year.

- E) Affect on small businesses, small municipalities or not-for-profit corporations: These rulemakings will affect any business that incurs an income tax filing obligation.

- F) Agency contact person for information:

Name: Keith Staats
Senior Counsel-Income Tax
Address: Illinois Department of Revenue

DEPARTMENT OF REVENUE

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101 W. Jefferson, 5-500
Springfield, IL 62794
Telephone: (217) 782-6336

- G) Related rulemakings and other information: None pertinent

- b) Part(s) (Heading and Code Citation): Coin-Operated Amusement Device Tax, 86 Ill. Adm. Code 460

1) Rulemaking:

- A) Description: Section 460.110. The license year runs from August 1 through July 31. This rule currently provides that a fractional license will not be issued for less than a month. Many times, events occur towards the end of the license period for which a person wants a license for less than a month. The rules currently prohibit this. We wish to amend the rules to allow this practice.

In addition, the Coin-Operated Amusement Device Tax Act was amended by P.A. 87-855 to tax and regulate "redemption machines". The term, "redemption machine," is defined in the Criminal Code. This new development should be reflected in the rules (i.e., defined and included in provisions governing taxation and licensure).

Finally, the Department will continue the updating of Part 460.

- B) Statutory Authority: 35 ILCS 510

- C) Schedule meeting/hearing date: No schedule has been established at this time.

- D) Date agency anticipates First Notice: As noted above, there will be a number of rulemakings proposed with respect to Part 460 over the next six months. We anticipate filing a rulemaking amending Part 460 during the last six months of this year.

- E) Affect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will affect any small business that maintains coin-operated amusement devices or redemption machines.

- F) Agency contact person for information:

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Name: George Sorensen
Senior Counsel
Address: Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
Telephone: (217) 782-7054

G) Related rulemakings and other pertinent information:
None

c) Part(s) (Heading and Code Citation): Bingo License and Tax Act, 86 Ill. Adm. Code 430

1) Rulemaking:

A) Description: This rulemaking will update Part 430 to clarify Department policy.

B) Statutory Authority: 230 ILCS 25

C) Schedule meeting/hearing date: No schedule has been established at this time.

D) Date agency anticipates First Notice: As noted above, there will be a number of rulemakings proposed with respect to Part 430 over the next six months. We anticipate filing rulemakings amending Part 430 on a regular basis during the last six months of this year.

E) Affect on small businesses, small municipalities or not-for-profit corporations: These amendments will affect the not-for-profit organizations which hold bingo licenses.

F) Agency contact person for information:

Name: George Sorensen
Senior Counsel
Address: Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
Telephone: (217) 782-7054

G) Related rulemakings and other pertinent information: None

d) Part(s) (Heading and Code Citation): Pull Tabs and Jar Games Act, 86 Ill. Adm. Code 432

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1) Rulemaking:

A) Description: This rulemaking will update Part 432 to reflect new legislation and to clarify Department policy. For example, P.A. 87-1271 amended the Act to provide that qualified local fraternal mutual benefit organizations are eligible for licenses.

B) Statutory Authority: 230 ILCS 20

C) Schedule meeting/hearing date: No schedule has been established at this time.

D) Date agency anticipates First Notice: As noted above, there will be a number of rulemakings proposed with respect to Part 432 over the next six months. We anticipate filing rulemakings amending Part 432 on a regular basis during the last six months of this year.

E) Affect on small businesses, small municipalities or not-for-profit corporations: These amendments will affect persons eligible to receive licenses under the Pull Tabs and Jar Games Act.

F) Agency contact person for information:

Name: George Sorensen
Senior Counsel
Address: Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
Telephone: (217) 782-7054

G) Related rulemakings and other pertinent information: None

e) Part(s) (Heading and Code Citation): Charitable Games Act, 86 Ill. Adm. Code 435

1) Rulemaking:

A) Description: A major rulemaking is necessary to implement the provisions of P.A. 88-669, which extensively revised the Charitable Games Act. New definitions have been added, and organizations applying for licenses must follow new application procedures. New provisions now allow municipalities to provide premises for charitable games nights for 16 charitable games nights in a 12-month period. The Act also now clarifies how many times a licensed provider, other than a

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municipality, may provide premises for conducting charitable games. New restrictions also apply to the conducting of charitable games. In addition, specific restrictions apply to consultant companies. New criminal and civil penalties are also now applicable to all licensees and others who violate the Act or rules. The rules will also be amended to reflect requirements of P.A. 87-1271, which allows qualified fraternal mutual benefit organizations to apply for a license, and which expands the hours during which charitable games may be played. The rules will also be amended generally to clarify Department policies.

B) Statutory Authority: 230 ILCS 30

C) Schedule meeting/hearing date: No schedule has been established at this time.

D) Date agency anticipates First Notice: As noted above, there will be a number of rulemakings proposed with respect to Part 435 over the next six months. We anticipate filing rulemakings amending Part 435 on a regular basis during the last six months of this year.

E) Affect on small businesses, small municipalities or not-for-profit corporations: These amendments will affect all businesses and organizations which are eligible for licensure under the Charitable Games Act.

F) Agency contact person for information:

Name: George Sorensen
Senior Counsel
Address: Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
Telephone: (217) 782-7054

G) Related rulemakings and other pertinent information: None

f) Part(s) (Heading and Code Citation): Hotel Operators' Occupation Tax, 86 Ill. Adm. Code 480

1) Rulemaking:

A) Description: These rules require amendment to include the provisions of P.A. 87-951, which amended the definition of "permanent resident".

Also, the Department will continue the updating of Part 480.
B) Statutory Authority: 35 ILCS 145

C) Schedule meeting/hearing date: No schedule has been established at this time.

D) Date agency anticipates First Notice: We anticipate filing rulemakings amending Part 480 during the last six months of this year.

E) Affect on small businesses, small municipalities or not-for-profit corporations: These amendments will affect persons subject to the Hotel Operators' Occupation Tax.

F) Agency contact person for information:

Name: George Sorensen
Senior Counsel
Address: Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
Telephone: (217) 782-7054

G) Related rulemakings and other pertinent information: None

g) Part(s) (Heading and Code Citation): Cigarette Tax Act, 86 Ill. Adm. Code 440

1) Rulemaking:

A) Description: Regulations are necessary to clarify what is meant by "a person who makes, manufactures, or fabricates cigarettes as a part of a correctional industries program for sale to residents incarcerated in penal institutions or resident patients of a State-operated mental health facility." Such person is not considered to be a "distributor" subject to the tax. There is currently nothing in the cigarette regulations which clarifies this term.

Also, the Department will continue the updating of Part 440.

B) Statutory Authority: 35 ILCS 130

C) Schedule meeting/hearing date: No schedule has been established at this time.

D) Date agency anticipates First Notice: We anticipate filing

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rulemakings amending Part 440 during the last six months of this year.

E) Affect on small businesses, small municipalities or not-for-profit corporations: This rulemaking will affect persons subject to the Cigarette Tax Act.

F) Agency contact person for information:

Name: George Sorensen
Senior Counsel
Address: Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
Telephone: (217) 782-7054

G) Related rulemakings and other pertinent information:
None

h) Part(s) (Heading and Code Citation): Telecommunications Excise Tax, 86 Ill. Adm. Code 495

1) Rulemaking:

A) Description: The rules will be amended to clarify both current statutory provisions and Department policy. Many new technologies have evolved since the Act was established, and the manner in which these technologies are taxed can be clarified in the rules.

B) Statutory Authority: 35 ILCS 630

C) Schedule meeting/hearing date: No schedule has been established at this time.

D) Date agency anticipates First Notice: We anticipate filing rulemakings amending Part 495 during the last six months of this year.

E) Affect on small businesses, small municipalities or not-for-profit corporations: Retailers of telecommunications will be affected by these regulations.

F) Agency contact person for information:

Name: George Sorensen
Senior Counsel

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Address: Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
Telephone: (217) 782-7054

G) Related rulemakings and other pertinent information: None

i) Part(s) (Heading and Code Citation): Retailers' Occupation Tax, 86 Ill. Adm. Code 130

1) Rulemaking:

A) Description: Amendments will be made to update the Retailers' Occupation Tax regulations to reflect new statutory developments and decisional law.

The Department will also continue the updating of Part 130.

New rules will be proposed regarding the Manufacturer's Purchase Credit program, which the Department anticipates will be affected by the provisions of Senate Bill 907.

B) Statutory Authority: 35 ILCS 120

C) Schedule meeting/hearing date: No schedule has been established at this time.

D) Date agency anticipates First Notice: As noted above, there will be a number of rulemakings proposed with respect to Part 130 over the next six months. We anticipate filing rulemakings amending Part 130 on a regular basis during the last six months of this year.

E) Affect on small businesses, small municipalities or not-for-profit corporations: Small businesses that sell tangible personal property at retail will be affected by these regulations.

F) Agency contact person for information:

Name: George Sorensen
Senior Counsel
Address: Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
Telephone: (217) 782-7054

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G) Related rulemakings and other pertinent information: None

J) Part(s) (Heading and Code Citation): Service Occupation Tax, 86 Ill. Adm. Code 140

1) Rulemaking:

A) Description: These rules are part of a general update of the Service Occupation Tax regulations to reflect new statutory developments and decisional law.

The Department will also continue the updating of Part 140.

B) Statutory Authority: 35 ILCS 115

C) Schedule meeting/hearing date: No schedule has been established at this time.

D) Date agency anticipates First Notice: As noted above, there will be a number of rulemakings proposed with respect to Part 140 over the next six months. We anticipate filing rulemakings amending Part 140 on a regular basis during the last six months of this year.

E) Affect on small businesses, small municipalities or not-for-profit corporations: Servicemen transferring tangible personal property incident to service will be affected by these rules.

F) Agency contact person for information:

Name: George Sorensen
Senior Counsel
Address: Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
Telephone: (217) 782-7054

G) Related rulemakings and other pertinent information: None

K) Part(s) (Heading and Code Citation): Other Tobacco Products Taxes (New Part)

1) Rulemaking:

A) Description: New rules will be added which clarify and

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implement the Tobacco Products Tax Act of 1995.

B) Statutory Authority: Article 10 of Public Act 89-0021

C) Schedule meeting/hearing date: No schedule has been established at this time.

D) Date agency anticipates First Notice: The Department anticipates filing rulemakings to add this New Part during the last six months of this year.

E) Affect on small businesses, small municipalities or not-for-profit corporations: These rules will affect distributors and, in some cases, retailers of tobacco products other than cigarettes.

F) Agency contact person for information:

Name: George Sorensen
Senior Counsel
Address: Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
Telephone: (217) 782-7054

G) Related rulemakings and other pertinent information: As noted elsewhere in this regulatory agenda, rules will also be promulgated to clarify provisions of the Cigarette Tax Act.

1) Part(s) (Heading and Code Citation): Motor Fuel Tax, 86 Ill. Adm. Code 500

1) Rulemaking:

A) Description: Various changes in the Motor Fuel Tax Law affecting the Motor Fuel Use Tax have been made in House Bill 2332 (Public Act citation unavailable at this time). These changes were made in response to changes in the International Fuel Tax Agreement, of which Illinois is a member jurisdiction. Regulations which currently implement the International Fuel Tax Agreement must be amended to reflect these new provisions.

B) Statutory Authority: 35 ILCS 505/14 and 14a

C) Schedule meeting/hearing date: No schedule has been established

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at this time.

D) Date agency anticipates First Notice: The Department anticipates filing rulemakings amending Part 500 during the last six months of this year.

E) Affect on small businesses, small municipalities or not-for-profit corporations: These rules will affect the trucking industry.

F) Agency contact person for information:

Name: George Sorensen
Senior Counsel
Address: Illinois Department of Revenue
101 W. Jefferson, 5-500
Springfield, IL 62794
Telephone: (217) 782-7054

G) Related rulemakings and other pertinent information: No other rulemakings have been proposed for this Part.

DEPARTMENT OF STATE POLICE

JULY 1995 REGULATORY AGENDA

a) Part (Heading and Code Citation): Individual's Right to Access and Review Criminal History Record Information; 20 Ill. Adm. Code 1210

1) Rulemaking:

A) Description: The rule will be amended to revise and update procedures for accessing and reviewing criminal history record information maintained by the Illinois State Police.

B) Statutory Authority: 20 ILCS 2605/55a and 20 ILCS 2630/7

C) Schedule of meeting/hearing date: No schedule has been established at this time.

D) Date agency anticipates First Notice: No date has been determined at this time.

E) Effect on small businesses, small municipalities or not for profit corporations: The amendment will have no effect on small businesses, small municipalities or not for profit corporations.

F) Agency contact person for information:

Mr. James W. Redlich
Chief Legal Counsel
Illinois State Police
102 Armory Building
P.O. Box 19461
Springfield, Illinois 62794-9461
(217) 782-7658

G) Related rulemakings and other pertinent information: None.

b) Part (Heading and Code Citation): Drug Asset Forfeiture Procedure Act; 20 Ill. Adm. Code 1225

1) Rulemaking:

A) Description: The rule will be amended to revise and update procedures associated with asset seizure and forfeiture.

B) Statutory Authority: 20 ILCS 2605/55a; 720 ILCS 550/12; and 720 ILCS 570/505

C) Schedule meeting/hearing date: No schedule has been established at this time.

D) Date agency anticipates First Notice: No date has been

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determined at this time.

- E) Effect on small businesses, small municipalities or not for profit corporations: The amendment will have no effect on small businesses, small municipalities or not for profit corporations.

F) Agency contact person for information:

Mr. James W. Redlich
Chief Legal Counsel
Illinois State Police
102 Armory Building
P.O. Box 19461
Springfield, Illinois 62794-9461
(217) 782-7658

- G) Related rulemakings and other pertinent information: None.

- c) Part (Heading and Code Citation): Firearm Owner's Identification Card Act; 20 Ill. Adm. Code 1230

1) Rulemaking:

- A) Description: The rule will be amended to revise and update procedures associated with granting, denying and revoking the Firearm Owner's Identification Card and related activities.

- B) Statutory Authority: 20 ILCS 2605/55a and 430 ILCS 65/11

- C) Schedule meeting/hearing date: No schedule has been established at this time.

- D) Date agency anticipates First Notice: No date has been determined at this time.

- E) Effect on small businesses, small municipalities or not for profit corporations: The amendment will have no effect on small businesses, small municipalities or not for profit corporations.

F) Agency contact person for information:

Mr. James W. Redlich
Chief Legal Counsel
Illinois State Police
102 Armory Building
P.O. Box 19461
Springfield, Illinois 62794-9461
(217) 782-7658

DEPARTMENT OF STATE POLICE

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- G) Related rulemakings and other pertinent information: None.

- d) Part (Heading and Code Citation): Firearm Transfer Inquiry Program; 20 Ill. Adm. Code 1235

1) Rulemaking:

- A) Description: The rule will be amended to revise and update procedures associated with the Firearm Transfer Inquiry Program and related activities.

- B) Statutory Authority: 20 ILCS 2605/55a and 430 ILCS 65/3.1

- C) Schedule of meeting/hearing date: No schedule has been established at this time.

- D) Date agency anticipates First Notice: No date has been determined at this time.

- E) Effect on small businesses, small municipalities or not for profit corporations: The amendment will have no effect on small businesses, small municipalities or not for profit corporations.

- F) Agency contact person for information:

Mr. James W. Redlich
Chief Legal Counsel
Illinois State Police
102 Armory Building
P.O. Box 19461
Springfield, Illinois 62794-9461
(217) 782-7658

- G) Related rulemakings and other pertinent information: None.

- e) Part (Heading and Code Citation): Law Enforcement Agencies Data System (LEADS); 20 Ill. Adm. Code 1240

1) Rulemaking:

- A) Description: The rule will be amended to revise and update procedures and policies relating to the LEADS computer network.

- B) Statutory Authority: 20 ILCS 2605/55a

- C) Schedule of meeting/hearing date: No schedule has been established at this time.

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D) Date agency anticipates First Notice: No date has been determined at this time.

E) Effect on small businesses, small municipalities or not for profit corporations: The amendment will have no effect on small businesses, small municipalities or not for profit corporations.

F) Agency contact person for information:

Mr. James W. Redlich
Chief Legal Counsel
Illinois State Police
102 Armory Building
P.O. Box 19461
Springfield, Illinois 62794-9461
(217) 782-7658

G) Related rulemakings and other pertinent information: None.

F) Part (Heading and Code Citation): Sample Collection for Genetic Marker Indexing; 20 Ill. Adm. Code 1285

1) Rulemaking:

A) Description: The rule will be amended to revise and update procedures and policies relating to Sample Collection for Genetic Marker Indexing.

B) Statutory Authority: 730 ILCS 5/5-4-3

C) Schedule of meeting/hearing date: No schedule has been established at this time.

D) Date agency anticipates First Notice: No date has been determined at this time.

E) Effect on small businesses, small municipalities or not for profit corporations: The amendment will have no effect on small businesses, small municipalities or not for profit corporations.

F) Agency contact person for information:

Mr. James W. Redlich
Chief Legal Counsel
Illinois State Police
102 Armory Building
P.O. Box 19461
Springfield, Illinois 62794-9461

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(217) 782-7658

G) Related rulemakings and other pertinent information: None.

TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

JULY 1995 REGULATORY AGENDA

- 2) Part: The Administration and Operation of the Teachers' Retirement System, 80 Ill. Adm. Code 1650

1) Rulemaking:

A) Description: The Teachers' Retirement System ("System") is proposing an amendment to remove a subsection from a rule. Other amendments include the addition of rules to deal with the election of teachers and annuitants to the Board of Trustees and the addition of a rule to comply with requirements of the Internal Revenue Code. Corrections will also be made to lettering errors in subheadings.

B) Statutory Authority: Implementing and authorized by Sections 16-106, 16-118, 16-121, 16-125, 16-133, 16-133.2, 16-133.3, 16-133.4, 16-133.5, 16-136, 16-149, 16-149.1, 16-149.2, 16-150, 16-153.2, 16-155, 16-164, 16-165, 16-168 and 16-192 of the Illinois Pension Code (40 ILCS 5/16-106, 16-118, 16-121, 16-125, 16-133, 16-133.2, 16-133.3, 16-133.4, 16-133.5, 16-136, 16-149, 16-149.1, 16-149.2, 16-150, 16-153.2, 16-155, 16-164, 16-165, 16-168 and 16-192), 5 ILCS 140/1.

C) Schedule meeting/hearing date: There is no proposed schedule of dates for meetings/hearings at this time.

D) Date agency anticipates First Notice: August or September, 1995.

E) Affect on small businesses, small municipalities or not for profit corporations: None.

F) Agency contact person for information:

Erin Smith, Legal Assistant
2815 West Washington St.
P.O. Box 19253
Springfield, Illinois 62794-9253
(217) 753-0961

G) Related rulemakings and other pertinent information: Other rules may also be proposed relating to maternity and health insurance legislation. The information contained in the January 1995 Regulatory Agenda will be applied when the System submits its First Notice for proposed amendments.

DEPARTMENT OF REVENUE

NOTICE OF PUBLIC INFORMATION

1. Statute requiring agency to publish information concerning interest rate information in the Illinois Register:

Name of Act: The Uniform Penalty and Interest Act
Citation: 35 ILCS 735.3-1 et seq.

2. Summary of information:

Section 3-2(a) of the Uniform Penalty and Interest Act provides that interest paid by the Department of Revenue and interest charged to taxpayers by the Department shall be paid at the annual rate determined by the Department. That rate is the underpayment rate established under Section 6621 of the Internal Revenue Code.

Section 3-2(b) of the UPIA states that the interest rate shall be adjusted on a semiannual basis, on January 1 and July 1, based upon the underpayment rate going into effect on that January 1 or July 1 under Section 6621 of the Internal Revenue Code.

Recently, in Revenue Ruling 95-46, the Internal Revenue Service announced that the underpayment rate will be 9% for the period beginning July 1, 1995. Therefore, the interest rate paid by the Illinois Department of Revenue and the interest rate charged to taxpayers by the Illinois Department of Revenue will be 9% from July 1, 1995 through December 31, 1995.

3. Name and address of person to contact concerning this information:

Keith Staats
Senior Counsel - Income Tax
Legal Services Office
101 West Jefferson Street
Springfield, Illinois 62794
Telephone: (217) 782-7055

COMMISSIONER OF BANKS AND TRUST COMPANIES

NOTICE OF PUBLIC INFORMATION

NOTICE OF ACCEPTANCE OF AN APPLICATION
ASSOCIATED BANC-CORP, GREEN BAY, WISCONSIN
TO ACQUIRE GN BANCORP, INC., CHICAGO, ILLINOIS

Pursuant to Section 3.071(d) of the Illinois Bank Holding Company Act of 1957, 105 ILCS 10/3.071(d) (1992), notice is hereby given that the Commissioner of Banks and Trust Companies has accepted for processing an application by Associated Banc-Corp, 112 North Adams Street, Green Bay, Wisconsin, to acquire GN Bancorp, Inc., 3200 North Central Avenue, Chicago, Illinois 60630.

Interested persons who desire to comment on this proposed acquisition may submit their comments in writing no later than 14 days after the publication of this notice to:

Dina A. Mansour
Commissioner of Banks and Trust Companies
110 South Michigan Ave.
Suite 2130
Chicago, Illinois 60604

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of June 27, 1995 through July 3, 1995, and have been scheduled for review by the Committee at its July 25, 1995 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield, IL 62706.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
3/11/95	Department of Conservation, Raccoon, Possum, Striped Skunk, Red Fox, Gray Fox, Coyote and Woodchuck (Groundhog) Hunting (17 Ill Adm Code 550)	5/12/95 19 Ill Reg 6389	7/25/95
3/11/95	Department of Conservation, The Taking of Wild Turkeys - Fall Gun Season (17 Ill Adm Code 715)	5/12/95 19 Ill Reg 6408	7/25/95
3/11/95	Department of Conservation, The Taking of Wild Turkeys - Fall Archery Season (17 Ill Adm Code 720)	5/12/95 19 Ill Reg 6401	7/25/95
3/11/95	Department of Conservation, Dog Training on Department-Owned or -Managed Sites (17 Ill Adm Code 950)	5/12/95 19 Ill Reg 6375	7/25/95
3/11/95	Illinois Commerce Commission, Minimum Safety Standards for Transportation of Gas and for Gas Pipeline Facilities (83 Ill Adm Code 590)	4/7/95 19 Ill Reg 5177	7/25/95
3/11/95	State Fire Marshal, Boiler and Pressure Vessel Safety (41 Ill Adm Code 120)	2/10/95 19 Ill Reg 2557	7/25/95
3/11/95	Department of Insurance, Repeal of Foreign and Alien Insurer Annual Audited Financial Reports (50 Ill Adm Code 601)	3/3/95 19 Ill Reg 2376	7/25/95
3/11/95	Department of Insurance, Annual Audited Financial Report (50 Ill Adm Code 925)	3/10/95 19 Ill Reg 2587	7/25/95

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

3/13/95	Department of Public Health, Manufactured Dairy Products (77 Ill Adm Code 785)	5/5/95 19 Ill Reg 6300	7/25/95
3/13/95	Department of Public Health, Grade A Pasteurized Milk and Milk Products (77 Ill Adm Code 775)	5/5/95 19 Ill Reg 6294	7/25/95

PROCLAMATIONS

95-348
RAY WAGNER APPRECIATED

Whereas, Raymond T. Wagner, Jr., proudly served the citizens of Illinois as Director of the Department of Revenue from August 1993 through June 1995; and

Whereas, during his productive tenure, Ray Stressed both cost efficiency and taxpayer service; and

Whereas, Ray demonstrated a vision for the future reflected in the Department of Revenue's new strategic plan and vision statement "Professional Service, Fair Enforcement;" and

Whereas, Ray expanded taxpayer service by creating Illinois Tax Fax and the department's Customer Service Bulletin Board; and

Whereas, Ray promoted cooperation with the Internal Revenue Service through activities such as publishing the Illinois Fed-State Tax Review, and saw Illinois nominated for the Treasury Department's annual Fed-State Award; and

Whereas, Ray championed tax simplification by introducing the IL-1040-EZ, the first overhaul of the state tax return in 25 years; and

Whereas, Ray assured fairness by separating the department's litigation and hearing functions and by creating an Informal Conference Unit in the Audit Bureau; and

Whereas, Ray cut the cost of collecting a dollar of taxes by eight percent; and

Whereas, Ray has been a key member of the Governor's cabinet:

Therefore, on behalf of the citizens of Illinois, I, Jim Edgar, Governor of the State of Illinois, express appreciation to RAY WAGNER for his efforts on behalf of all Illinois Tax Payers.

Issued by the Governor June 20, 1995.

Filed by the Secretary of State June 26, 1995.

95-349

AMERICAN FEDERATION OF RAMALLAH PALESTINE WEEK

Whereas, the Palestinian culture is one that is rich and full; and

Whereas, the Federation of Ramallah Palestine, a charitable organization, invests in the future of our youth by offering scholarship programs and

Whereas, the federation's 37th Annual Convention, titled "Coming Together-Building Our Future '95," is being celebrated in Illinois.

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim July 3-9, as AMERICAN FEDERATION OF RAMALLAH PALESTINE WEEK in Illinois.

Issued by the Governor June 21, 1995.

Filed by the Secretary of State June 26, 1995.

95-350

ETHNIC MEDIA WEEK

Whereas, the ethnic media of Illinois have a long and proud tradition in the state; and

Whereas, the influence of Illinois' ethnic media has been invaluable in

providing information about current events and other pertinent issues directly to the communities they serve; and

Whereas, the many ethnic programs and publications available to the public provide an invaluable service by recording the cultures, traditions, language and heritage of individual ethnic groups; and

Whereas, the ethnic media have worked diligently to maintain their programs and publications, often relying on limited resources and staff; and

Whereas, the ethnic media of Illinois should be commended for their dedication to providing services that have a positive impact on a number of cultures; and

Whereas, the Governor's Office of Ethnic Media is hosting a reception in honor of Ethnic Media Week at the James R. Thompson Center on June 27, 1995;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 26-July 2, 1995, as ETHNIC MEDIA WEEK in Illinois.

Issued by the Governor June 26, 1995.

Filed by the Secretary of State June 30, 1995.

95-351

ILLINOIS SOCIETY FOR MICROBIOLOGY WEEK

Whereas, the health of all citizens of Illinois depends upon the educated minds and trained hands of health care professionals; and

Whereas, the successful efforts to promote health and prevent disease would not be possible without the provision of reliable laboratory tests performed by microbiologists; and

Whereas, the highly trained and dedicated members of the Illinois Society of Microbiology have made invaluable contributions to quality health care and environmental protection in Illinois since the inception of the Society in June 1935;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim June 26-July 1, 1995, as ILLINOIS SOCIETY FOR MICROBIOLOGY WEEK to celebrate its 50th anniversary.

Issued by the Governor June 26, 1995.

Filed by the Secretary of State June 30, 1995.

95-352

LAKE BLUFF FIRE DEPARTMENT DAY

Whereas, for 100 years, the Lake Bluff Fire Department has provided its citizens and the public with an important service; and

Whereas, the Lake Bluff Fire Department was created in 1895 and had just five volunteer members; and

Whereas, today, 100 years later, the Lake Bluff Fire Department has 47 volunteer members; and

Whereas, the Lake Bluff Fire Department is rated an ISO Class 3 department, the highest rating of any volunteer fire department in the nation; and

Whereas, the Lake Bluff Fire Department furnishes village residents with fire suppression and prevention, public education, hazardous materials response, below ground emergency response, below water divers, and emergency medical response; and

Whereas, the members of the Lake Bluff Fire Department are to be commended

for their hard work and dedication to protecting the public;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim July 1, 1995, as LAKE BLUFF FIRE DEPARTMENT DAY in Illinois.

Issued by the Governor June 28, 1995.

Filed by the Secretary of State June 30, 1995.

95-353

TALL AWARENESS WEEK

Whereas, the Paramount Tall Club of Chicago was organized in 1946 to promote friendship, fellowship, and Tall Awareness among tall people of the Chicago area, and to sponsor activities of interest and benefit to all; and

Whereas, the Paramount Tall Club of Chicago and other members clubs of Tall Clubs International have united to promote awareness of the needs of taller people; and

Whereas, Tall Clubs International and its individual member clubs have voluntarily given their time and resources to help various charitable and community service organizations in their respective communities; and

Whereas, from July 3-9, 1995, the Paramount Tall Club of Chicago will have its FEMeet Us in the MiddleFE Tall Clubs International convention at the Marriott Resort in Lincolnshire, Illinois;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim July 3-9, 1995, as TALL AWARENESS WEEK in Illinois.

Issued by the Governor June 28, 1995.

Filed by the Secretary of State June 30, 1995.

95-354

EDWARD R. MADIGAN STATE PARK DESIGNATED

Whereas, Edward R. Madigan was born in Lincoln, Illinois, in 1936, and received a business degree and an honorary Doctor of Humane Letters from Lincoln College; and

Whereas, Mr. Madigan served as a state representative for the 90th district from 1967 to 1973 and was later elected to 10 terms in the U.S. House of Representatives; and

Whereas, Mr. Madigan also served as a senior member of the House Energy and Commerce Committee, chief deputy whip of the U.S. House and chairman of the House Republican Research and Planning Committee; and

Whereas, as Secretary of Agriculture under President George Bush, Mr. Madigan served as the lead negotiator on agricultural trade in talks on the General Agreement on Tariffs and Trade (GATT); and

Whereas, Mr. Madigan spent his life in service to others and always remembered the interests of the citizens of Illinois; and

Whereas, Mr. Madigan visited Riallsplitter State Park throughout his life, and often strolled the park with his wife, children, and later, his grandchildren;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim that Riallsplitter State Park shall be designated EDWARD R. MADIGAN STATE PARK in honor of the late congressman and his lifetime of state and national public service.

Issued by the Governor June 29, 1995.

Filed by the Secretary of State June 30, 1995.

ACTION CODES	
A - Adopted Rule	P - Proposed Rule
AR - Adopted Repealer	PR - Prohibited Filing Order by JCAR*
C - Notice of Corrections	PP - Peremptory or Court Ordered Rules
CC - Codification Changes	PR - Proposed Repealer
E - Emergency Rule	R - Refusal to meet JCAR* Objection
ER - Emergency Repealer	RC - Statement of Recommendation
M - Modification to meet JCAR*	S - Suspension ordered by JCAR*
O - JCAR* Statement of Objections	W - Withdrawal to meet JCAR*
RQ - Request for Correction	MR - Modification and Refusal
EC - Expedited Corrections	
*Joint Committee on Administrative Rules	

ALL RULES ARE LISTED BY PART NUMBER AND HEADING ONLY. (FOR ACTION ON SPECIFIC SECTIONS, PLEASE REFER TO THE SECTIONS AFFECTED INDEX.) IF THERE ARE ANY QUESTIONS, PLEASE CONTACT THE ADMINISTRATIVE CODE DIVISION AT (217) 782-7017.

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8 Ill. Adm. Code 255	Agrichemical Facilities (P-1;A-6787)
8 Ill. Adm. Code 60	Bees and Apiary Act (P-754)
8 Ill. Adm. Code 270	Illinois State Fair, And Duquoin State Fair, Non-Fair Space Rental And The General Operation Of The State Fairgrounds (P-5893) (A-9400)
8 Ill. Adm. Code 256	Lawncare Wash Water And Rinsate Collection (P-13;A-6800)
8 Ill. Adm. Code 125	Meat And Poultry Inspection Act (PP-1342) (PP-4765) (PP-7067)
8 Ill. Adm. Code 600	Weights And Measures Act (P-2356;A-8114)
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77 Ill. Adm. Code 2090	Subacute Alcoholism And Substance Abuse Treatment Services (P-1156) (P-3106) (PP-6341) (R-7637) (PP-7638) (O-9349) (A-9411) (M-10289)
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23 Ill. Adm. Code 1400	Certificate Of Certified Public Accountant (P-8572)
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80 Ill. Adm. Code 303	Conditions Of Employment (P-2524;A-8130) (P-6222)
80 Ill. Adm. Code 302	Merit And Fitness (P-2539;A-8145)
80 Ill. Adm. Code 310	Pay Plan (P-764;A-6452) (P-14256/94;A-1024) (P-2365;A-7841) (PP-2481) (PP-3073) (P-3122;A-8156) (P-16490/94;A-3456) (PP-5145) (P-5165;A-9096) (RC-6342) (PP-6688)
80 Ill. Adm. Code 2110	State Of Illinois Dependent Care Assistance Plan (P-774;A-8590)
80 Ill. Adm. Code 2120	State Of Illinois Medical Care Assistance Plan (P-779; A-8595)
44 Ill. Adm. Code 5040	State Vehicles And Garage (P-9365)
80 Ill. Adm. Code 3000	The Travel Regulation Council (P-2093;A-7852)
80 Ill. Adm. Code 2800	Travel (P-12567/94;A-36) (P-2098;A-7858)
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89 Ill. Adm. Code 304	Access To And Eligibility For Child Welfare Services (P-3601) (A-9429)
89 Ill. Adm. Code 325	Administration Of Psychotropic Medication To Children Whom The Department Of Children And Family Services Is Legally Responsible (P-8765/94;A-8600)
89 Ill. Adm. Code 336	Appeal Of Child Abuse And Neglect Investigation Findings (P-11407/94;A-3465)
89 Ill. Adm. Code 434	Audits, Reviews, And Investigations (P-8777/94;A-2760)
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89 Ill. Adm. Code 385	Background Checks (W-5837)
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17 Ill. Adm. Code 660 White-Tailed Deer Hunting Season By Use Of Muzzleloading Rifles (P-1437;A-6500)
17 Ill. Adm. Code 680 White-Tailed Deer Hunting Season By Use Of Handguns (P-9370)

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20 Ill. Adm. Code 415

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23 Ill. Adm. Code 25 Certification (P-7098)
23 Ill. Adm. Code 500 Educational Service Centers (P-6415)
23 Ill. Adm. Code 155 Electronic Transfer Of Funds (P-8866)
23 Ill. Adm. Code 600 Eye Protective Devices (PR-18176/94;AR-6528)
23 Ill. Adm. Code 180 Health/Life Safety Code For Public Schools (P-9671/94;A-5004)
23 Ill. Adm. Code 401 Nonpublic Special Education Facilities (PR-19733/94;AR-7183) (P-9756/94;A-7185) (P-9756/94;O-2316;PF-2317) (M-7267)
23 Ill. Adm. Code 1 Public Schools Evaluation, Recognition & Supervision (P-4783) (E-5137) (RC-6344) (P-18180/94;A-6530)
23 Ill. Adm. Code 275 Pupil Transportation (P-8872)
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35 Ill. Adm. Code 870 Procedures For Issuing Solid Waste Planning And Enforcement Grants (P-2144) (RC-9350)

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38 Ill. Adm. Code 190 Illinois Credit Union Act (P-16764/94;A-2826)
38 Ill. Adm. Code 160 Sales Finance Agency Act (P-14276/94;A-49)

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56 Ill. Adm. Code 210 Minimum Wage Law (P-16787/94;A-6576)

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These Sections Affected Index lists, by title, each Section of a Part on which Rule Making has occurred in this volume (calendar year) of the Illinois Register. The columns indicate the type of rulemaking activity and the action taken along with the page number on which the first page of the notice of rulemaking activity appeared. If a Section on which action is being taken in the current volume of the Register is proposed in a previous volume, the last two digits of the previous volume's year appear immediately after the page number separated by a slash. (e.g. 11 Ill. Adm. Code 465.115 was proposed last year and adopted this year. The action entry reads: (P-15655/94; A-6520). The codes are listed below.

TYPE OF RULE MAKING

am = amend to existing Section
cc = codification changes
n = New Section
r = repeal of existing Section
re = reclassified
= renumbered
= Expedited Correction

ACTION CODE

A = Adopted Rule
E = Emergency
P = Proposed Rule
PP = Peremptory
M = Modification
W = Withdrawal
PF = Prohibited Filing
S = Suspension
O = JCAR Object
F = Failure to Remedy Objections
RC = Recommendations
CC = Codification Changes
E C
RQ = Request for Correction
R = Refusal
C = Correction

TITLE 1		TITLE 2		TITLE 11	
100.100	am (P-7087/A-13067)	801.200	am (A-4985)	60.80	am (P-754)
100.110	am (P-17181/94; A-7628)	801.400	am (A-4985)	60.70	am (P-754)
100.Ap.A	am (P-17181/94; A-7628)	801.Ap.D	am (A-4985)	60.80	am (P-754)
100.Ap.B	am (P-17181/94; A-7628)	801.Ap.E	am (A-4985)	60.90	am (P-1342)
100.Ap.C	am (P-17181/94; A-7628)	1226.20	am (A-1334)	125.100	am (P-1342)
100.Ap.D	am (P-17181/94; A-7628)	1226.30	am (A-1334)	125.200	am (P-1342)
100.Ap.E	am (P-17181/94; A-7628)	1226.40	am (A-1334)	125.300	am (P-1342)
100.Ap.F	am (P-17181/94; A-7628)	1226.50	am (A-1334)	125.400	am (P-1342)
100.Ap.G	am (P-17181/94; A-7628)	1226.60	am (A-1334)	125.500	am (P-1342)
100.Ap.H	am (P-17181/94; A-7628)	1226.70	am (A-1334)	125.600	am (P-1342)
100.Ap.I	am (P-17181/94; A-7628)	1226.80	am (A-1334)	125.700	am (P-1342)
100.Ap.J	am (P-17181/94; A-7628)	1226.90	am (A-1334)	125.800	am (P-1342)
100.Ap.K	am (P-17181/94; A-7628)	1226.100	am (A-1334)	125.900	am (P-1342)
100.Ap.L	am (P-17181/94; A-7628)	1226.110	am (A-1334)	126.000	am (P-1342)
100.Ap.M	am (P-17181/94; A-7628)	1226.120	am (A-1334)	126.100	am (P-1342)
100.Ap.N	am (P-17181/94; A-7628)	1226.130	am (A-1334)	126.200	am (P-1342)
100.Ap.O	am (P-17181/94; A-7628)	1226.140	am (A-1334)	126.300	am (P-1342)
100.Ap.P	am (P-17181/94; A-7628)	1226.150	am (A-1334)	126.400	am (P-1342)
100.Ap.Q	am (P-17181/94; A-7628)	1226.160	am (A-1334)	126.500	am (P-1342)
100.Ap.R	am (P-17181/94; A-7628)	1226.170	am (A-1334)	126.600	am (P-1342)
100.Ap.S	am (P-17181/94; A-7628)	1226.180	am (A-1334)	126.700	am (P-1342)
100.Ap.T	am (P-17181/94; A-7628)	1226.190	am (A-1334)	126.800	am (P-1342)
100.Ap.U	am (P-17181/94; A-7628)	1226.200	am (A-1334)	126.900	am (P-1342)
100.Ap.V	am (P-17181/94; A-7628)	1226.210	am (A-1334)	127.000	am (P-1342)
100.Ap.W	am (P-17181/94; A-7628)	1226.220	am (A-1334)	127.100	am (P-1342)
100.Ap.X	am (P-17181/94; A-7628)	1226.230	am (A-1334)	127.200	am (P-1342)
100.Ap.Y	am (P-17181/94; A-7628)	1226.240	am (A-1334)	127.300	am (P-1342)
100.Ap.Z	am (P-17181/94; A-7628)	1226.250	am (A-1334)	127.400	am (P-1342)
100.Ap.AA	am (P-17181/94; A-7628)	1226.260	am (A-1334)	127.500	am (P-1342)
100.Ap.AB	am (P-17181/94; A-7628)	1226.270	am (A-1334)	127.600	am (P-1342)
100.Ap.AC	am (P-17181/94; A-7628)	1226.280	am (A-1334)	127.700	am (P-1342)
100.Ap.AD	am (P-17181/94; A-7628)	1226.290	am (A-1334)	127.800	am (P-1342)
100.Ap.AE	am (P-17181/94; A-7628)	1226.300	am (A-1334)	127.900	am (P-1342)
100.Ap.AF	am (P-17181/94; A-7628)	1226.310	am (A-1334)	128.000	am (P-1342)
100.Ap.AG	am (P-17181/94; A-7628)	1226.320	am (A-1334)	128.100	am (P-1342)
100.Ap.AH	am (P-17181/94; A-7628)	1226.330	am (A-1334)	128.200	am (P-1342)
100.Ap.AI	am (P-17181/94; A-7628)	1226.340	am (A-1334)	128.300	am (P-1342)
100.Ap.AJ	am (P-17181/94; A-7628)	1226.350	am (A-1334)	128.400	am (P-1342)
100.Ap.AK	am (P-17181/94; A-7628)	1226.360	am (A-1334)	128.500	am (P-1342)
100.Ap.AL	am (P-17181/94; A-7628)	1226.370	am (A-1334)	128.600	am (P-1342)
100.Ap.AM	am (P-17181/94; A-7628)	1226.380	am (A-1334)	128.700	am (P-1342)
100.Ap.AN	am (P-17181/94; A-7628)	1226.390	am (A-1334)	128.800	am (P-1342)
100.Ap.AO	am (P-17181/94; A-7628)	1226.400	am (A-1334)	128.900	am (P-1342)
100.Ap.AP	am (P-17181/94; A-7628)	1226.410	am (A-1334)	129.000	am (P-1342)
100.Ap.AQ	am (P-17181/94; A-7628)	1226.420	am (A-1334)	129.100	am (P-1342)
100.Ap.AR	am (P-17181/94; A-7628)	1226.430	am (A-1334)	129.200	am (P-1342)
100.Ap.AT	am (P-17181/94; A-7628)	1226.440	am (A-1334)	129.300	am (P-1342)
100.Ap.AU	am (P-17181/94; A-7628)	1226.450	am (A-1334)	129.400	am (P-1342)
100.Ap.AV	am (P-17181/94; A-7628)	1226.460	am (A-1334)	129.500	am (P-1342)
100.Ap.AW	am (P-17181/94; A-7628)	1226.470	am (A-1334)	129.600	am (P-1342)
100.Ap.AX	am (P-17181/94; A-7628)	1226.480	am (A-1334)	129.700	am (P-1342)
100.Ap.AY	am (P-17181/94; A-7628)	1226.490	am (A-1334)	129.800	am (P-1342)
100.Ap.AZ	am (P-17181/94; A-7628)	1226.500	am (A-1334)	129.900	am (P-1342)
100.Ap.BA	am (P-17181/94; A-7628)	1226.510	am (A-1334)	130.000	am (P-1342)
100.Ap.BB	am (P-17181/94; A-7628)	1226.520	am (A-1334)	130.100	am (P-1342)
100.Ap.BC	am (P-17181/94; A-7628)	1226.530	am (A-1334)	130.200	am (P-1342)
100.Ap.BD	am (P-17181/94; A-7628)	1226.540	am (A-1334)	130.300	am (P-1342)
100.Ap.BE	am (P-17181/94; A-7628)	1226.550	am (A-1334)	130.400	am (P-1342)
100.Ap.BF	am (P-17181/94; A-7628)	1226.560	am (A-1334)	130.500	am (P-1342)
100.Ap.BG	am (P-17181/94; A-7628)	1226.570	am (A-1334)	130.600	am (P-1342)
100.Ap.BH	am (P-17181/94; A-7628)	1226.580	am (A-1334)	130.700	am (P-1342)
100.Ap.BI	am (P-17181/94; A-7628)	1226.590	am (A-1334)	130.800	am (P-1342)
100.Ap.BJ	am (P-17181/94; A-7628)	1226.600	am (A-1334)	130.900	am (P-1342)
100.Ap.BK	am (P-17181/94; A-7628)	1226.610	am (A-1334)	131.000	am (P-1342)
100.Ap.BL	am (P-17181/94; A-7628)	1226.620	am (A-1334)	131.100	am (P-1342)
100.Ap.BM	am (P-17181/94; A-7628)	1226.630	am (A-1334)	131.200	am (P-1342)
100.Ap.BN	am (P-17181/94; A-7628)	1226.640	am (A-1334)	131.300	am (P-1342)
100.Ap.BO	am (P-17181/94; A-7628)	1226.650	am (A-1334)	131.400	am (P-1342)
100.Ap.BP	am (P-17181/94; A-7628)	1226.660	am (A-1334)	131.500	am (P-1342)
100.Ap.BQ	am (P-17181/94; A-7628)	1226.670	am (A-1334)	131.600	am (P-1342)
100.Ap.BR	am (P-17181/94; A-7628)	1226.680	am (A-1334)	131.700	am (P-1342)
100.Ap.BS	am (P-17181/94; A-7628)	1226.690	am (A-1334)	131.800	am (P-1342)
100.Ap.BT	am (P-17181/94; A-7628)	1226.700	am (A-1334)	131.900	am (P-1342)
100.Ap.BU	am (P-17181/94; A-7628)	1226.710	am (A-1334)	132.000	am (P-1342)
100.Ap.BV	am (P-17181/94; A-7628)	1226.720	am (A-1334)	132.100	am (P-1342)
100.Ap.BW	am (P-17181/94; A-7628)	1226.730	am (A-1334)	132.200	am (P-1342)
100.Ap.BX	am (P-17181/94; A-7628)	1226.740	am (A-1334)	132.300	am (P-1342)
100.Ap.BY	am (P-17181/94; A-7628)	1226.750	am (A-1334)	132.400	am (P-1342)
100.Ap.BZ	am (P-17181/94; A-7628)	1226.760	am (A-1334)	132.500	am (P-1342)
100.Ap.CA	am (P-17181/94; A-7628)	1226.770	am (A-1334)	132.600	am (P-1342)
100.Ap.CB	am (P-17181/94; A-7628)	1226.780	am (A-1334)	132.700	am (P-1342)
100.Ap.CC	am (P-17181/94; A-7628)	1226.790	am (A-1334)	132.800	am (P-1342)
100.Ap.CD	am (P-17181/94; A-7628)	1226.800	am (A-1334)	132.900	am (P-1342)
100.Ap.CE	am (P-17181/94; A-7628)	1226.810	am (A-1334)	133.000	am (P-1342)
100.Ap.CF	am (P-17181/94; A-7628)	1226.820	am (A-1334)	133.100	am (P-1342)
100.Ap.CG	am (P-17181/94; A-7628)	1226.830	am (A-1334)	133.200	am (P-1342)
100.Ap.CH	am (P-17181/94; A-7628)	1226.840	am (A-1334)	133.300	am (P-1342)
100.Ap.CI	am (P-17181/94; A-7628)	1226.850	am (A-1334)	133.400	am (P-1342)
100.Ap.CJ	am (P-17181/94; A-7628)	1226.860	am (A-1334)	133.500	am (P-1342)
100.Ap.CK	am (P-17181/94; A-7628)	1226.870	am (A-1334)	133.600	am (P-1342)
100.Ap.CL	am (P-17181/94; A-7628)	1226.880	am (A-1334)	133.700	am (P-1342)
100.Ap.CM	am (P-17181/94; A-7628)	1226.890	am (A-1334)	133.800	am (P-1342)
100.Ap.CN	am (P-17181/94; A-7628)	1226.900	am (A-1334)	133.900	am (P-1342)
100.Ap.CO	am (P-17181/94; A-7628)	1226.910	am (A-1334)	134.000	am (P-1342)
100.Ap.CP	am (P-17181/94; A-7628)	1226.920	am (A-1334)	134.100	am (P-1342)
100.Ap.CQ	am (P-17181/94; A-7628)	1226.930	am (A-1334)	134.200	am (P-1342)
100.Ap.CR	am (P-17181/94; A-7628)	1226.940	am (A-1334)	134.300	am (P-1342)
100.Ap.CS	am (P-17181/94; A-7628)	1226.950	am (A-1334)	134.400	am (P-1342)
100.Ap.CT	am (P-17181/94; A-7628)	1226.960	am (A-1334)	134.500	am (P-1342)
100.Ap.CU	am (P-17181/94; A-7628)	1226.970	am (A-1334)	134.600	am (P-1342)
100.Ap.CV	am (P-17181/94; A-7628)	1226.980	am (A-1334)	134.700	am (P-1342)
100.Ap.CW	am (P-17181/94; A-7628)	1226.990	am (A-1334)	134.800	am (P-1342)
100.Ap.CX	am (P-17181/94; A-7628)	1227.000	am (A-1334)	134.900	am (P-1342)
100.Ap.CY	am (P-17181/94; A-7628)	1227.010	am (A-1334)	135.000	am (P-1342)
100.Ap.CZ	am (P-17181/94; A-7628)	1227.020	am (A-1334)	135.100	am (P-1342)
100.Ap.DA	am (P-17181/94; A-7628)	1227.030	am (A-1334)	135.200	am (P-1342)
100.Ap.DB	am (P-17181/94; A-7628)	1227.040	am (A-1334)	135.300	am (P-1342)
100.Ap.DC	am (P-17181/94; A-7628)	1227.050	am (A-1334)	135.400	am (P-1342)
100.Ap.DE	am (P-17181/94; A-7628)	1227.060	am (A-1334)	135.500	am (P-1342)
100.Ap.DF	am (P-17181/94; A-7628)	1227.070	am (A-1334)	135.600	am (P-1342)
100.Ap.DG	am (P-17181/94; A-7628)	1227.080	am (A-1334)	135.700	am (P-1342)
100.Ap.DH	am (P-17181/94; A-7628)	1227.090	am (A-1334)	135.800	am (P-1342)
100.Ap.DI	am (P-17181/94; A-7628)	1227.100	am (A-1334)	135.900	am (P-1342)
100.Ap.DJ	am (P-17181/94; A-7628)	1227.110	am (A-1334)	136.000	am (P-1342)
100.Ap.DK	am (P-17181/94; A-7628)	1227.120	am (A-1334)	136.100	am (P-1342)
100.Ap.DL	am (P-17181/94; A-7628)	1227.130	am (A-1334)	136.200	am (P-1342)
100.Ap.DM	am (P-17181/94; A-7628)	1227.140	am (A-1334)	136.300	am (P-1342)
100.Ap.DN	am (P-17181/94; A-7628)	1227.150	am (A-1334)	136.400	am (P-1342)
100.Ap.DO	am (P-17181/94; A-7628)	1227.160	am (A-1334)	136.500	am (P-1342)
100.Ap.DP	am (P-17181/94; A-7628)	1227.170	am (A-1334)	136.600	am (P-1342)
100.Ap.DQ	am (P-17181/94; A-7628)	1227.180	am (A-1334)	136.700	am (P-1342)
100.Ap.DR	am (P-17181/94; A-7628)	1227.190	am (A-1334)	136.800	am (P-1342)
100.Ap.DS	am (P-17181/94; A-7628)	1227.200	am (A-1334)	136.900	am (P-1342)
100.Ap.DT	am (P-17181/94; A-7628)	1227.210	am (A-1334)	137.000	am (P-1342)
100.Ap.DU	am (P-17181/94; A-7628)	1227.220	am (A-1334)	137.100	am (P-1342)
100.Ap.DV	am (P-17181/94; A-7628)	1227.230	am (A-1334)	137.200	am (P-1342)
100.Ap.DW	am (P-17181/94; A-7628)	1227.240	am (A-1334)	137.300	am (P-1342)
100.Ap.DX	am (P-17181/94; A-7628)	1227.250	am (A-1334)	137.400	am (P-1342)
100.Ap.DY	am (P-17181/94; A-7628)	1227.260	am (A-1334)	137.500	am (P-1342)
100.Ap.DZ	am (P-17181/94; A-7628)	1227.270	am (A-1334)	137.600	am (P-1342)
100.Ap.EA	am (P-17181/94; A-7628)	1227.280	am (A-1334)	137.700	am (P-1342)
100.Ap.EB	am (P-17181/94; A-7628)	1227.290	am (A-1334)	137.800	am (P-1342)
100.Ap.EC	am (P-17181/94; A-7628)	1227.300	am (A-1334)	137.900	am (P-1342)
100.Ap.EF	am (P-17181/94; A-7628)	1227.310	am (A-1334)	138.000	am (P-1342)
100.Ap.EG	am (P-17181/94; A-7628)	1227.320	am (A-1334)	138.100	am (P-1342)
100.Ap.EH	am (P-17181/94; A-7628)	1227.330	am (A-1334)	138.200	am (P-1342)
100.Ap.EI	am (P-17181/94; A-7628)	1227.3			

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TITLE 23 CONT.

160.10	n	(P-7485)	401,130	r	(P-9733/94; A-7183)	1300,150	re	(A-8325)	
160.20	n	(P-7485)		n	(P-9756/94; O-2316; PF-2317; M-7267; A-7185)	1300,180	re	(A-8325)	
160.30	n	(P-7485)				1300,170	re	(A-8325)	
160.40	n	(P-7485)				1300,180	re	(A-8325)	
160.10	n	(P-9871/94; A-5004)	401,140	r	(P-9733/94; A-7183)	1300,190	re	(A-8325)	
160.20	n	(P-9871/94; A-5004)		n	(P-9756/94; O-2316; PF-2317; M-7267; A-7185)	1300,200	re	(A-8325)	
160.30	n	(P-9871/94; A-5004)				1400,10	re	(A-8325)	
160.40	n	(P-9871/94; A-5004)				1400,20	re	(A-8325)	
160.50	n	(P-9871/94; A-5004)	401,150	r	(P-9733/94; A-7183)	1400,30	ann	(P-8572)	
160.60	n	(P-9871/94; A-5004)	401,210	n	(P-9756/94; O-2316; PF-2317; A-7185)	1400,50	re	(A-8325)	
160.70	n	(P-9871/94; A-5004)	401,220	n	(P-9756/94; O-2316; PF-2317; M-7267; A-7185)	1400,55	ann	(P-8572)	
160.100	n	(P-9871/94; A-5004)		n		1400,60	re	(A-8325)	
160.110	n	(P-9871/94; A-5004)				1400,70	ann	(P-8572)	
160.120	n	(P-9871/94; A-5004)	401,230	n	(P-9756/94; O-2316; PF-2317; M-7267; A-7185)	1400,80	ann	(P-8572)	
160.200	n	(P-9871/94; A-5004)		n		1400,90	ann	(P-8572)	
160.220	n	(P-9871/94; A-5004)	401,240	n	(P-9756/94; O-2316; PF-2317; M-7267; A-7185)	1400,100	ann	(P-8572)	
160.300	n	(P-9871/94; A-5004)				1400,110	re	(A-8325)	
160.310	n	(P-9871/94; A-5004)	401,250	n	(P-9756/94; O-2316; PF-2317; A-7185)	1400,120	re	(A-8325)	
160.330	n	(P-9871/94; A-5004)	401,260	n	(P-9756/94; O-2316; PF-2317; M-7267; A-7185)	1400,130	re	(A-8325)	
160.340	n	(P-9871/94; A-5004)				1400,140	re	(A-8325)	
160.400	n	(P-9871/94; A-5004)		n		1400,150	re	(A-8325)	
160.410	n	(P-9871/94; A-5004)	401,270	n	(P-9756/94; O-2316; PF-2317; M-7267; A-7185)	1400,160	re	(A-8325)	
160.420	n	(P-9871/94; A-5004)					ann	(P-8572)	
160.500	n	(P-9871/94; A-5004)	401,280	n	(P-9756/94; O-2316; PF-2317; M-7267; A-7185)	1400,170	re	(A-8325)	
160.510	n	(P-9871/94; A-5004)				1400,180	re	(A-8325)	
160.540	n	(P-9871/94; A-5004)		r	(P-8415)	1400,190	ann	(P-8572)	
226,430	ann	(P-9810/94; A-7207)	500,10	r	(P-8415)	1400,200	ann	(P-8572)	
276,300			500,20	r	(P-8415)	1501,201	ann	(P-15665/94; A-7515)	
276,400			500,30	r	(P-8415)	1501,301	ann	(P-15665/94; A-7515)	
275,50	r	(P-8872)	500,40	r	(P-8415)	1501,302	ann	(P-15665/94; A-7515)	
275,70	r	(P-8872)	500,50	r	(P-8415)	1501,302	ann	(P-15665/94; A-7515)	
275,70	r	(P-8872)	500,60	r	(P-8415)	1501,303	ann	(P-15665/94; A-7515)	
275,80	ann		500,70	r	(P-8415)				
401.5		(P-9756/94; O-2316; M-7267; A-7185)	500,80	r	(P-8415)	1501,304	ann	(P-15665/94; A-7515)	
			500,90	r	(P-8415)	1501,308	ann	(P-15665/94; A-7515)	
401.10	n	(P-9756/94; O-2316; PF-2317; M-7267; A-7185)	500,100	r	(P-8415)	1501,309	ann	(P-15665/94; A-7515)	
			500,110	r	(P-8415)	1501,501	ann	(P-12575/94; A-7298)	
			500,120	r	(P-8415)	1501,507	ann	(P-12575/94; A-7298)	
			600,10	r	(P-8415)	1501,508	ann	(P-13562/94; A-7816)	
			600,10	r	(P-8415)	1501,508	ann	(P-13562/94; A-7816)	
			600,20	r	(P-8415)	1501,508	ann	(P-13562/94; A-7816)	
			600,20	r	(P-8415)	1501,508	ann	(P-13562/94; A-7816)	
			600,20	r	(P-8415)	1501,508	ann	(P-13562/94; A-7816)	
			600,20	r	(P-8415)	1501,508	ann	(P-13562/94; A-7816)	
			600,20	r	(P-8415)	1501,508	ann	(P-13562/94; A-7816)	
			600,20	r	(P-8415)	1501,508	ann	(P-13562/94; A-7816)	
			600,20	r	(P-8415)	1501,508	ann	(P-13562/94; A-7816)	
			600,20	r	(P-8415)	1501,508	ann	(P-13562/94; A-7816)	
			600,20	r	(P-8415)	1501,508	ann	(P-13562/94; A-7816)	
			600,20	r	(P-8415)	1501,508	ann	(P-13562/94; A-7816)	
			600,20	r	(P-8415)	1501,508	ann	(P-13562/94; A-7816)	
			600,20	r	(P-8415)	1501,508	ann	(P-13562/94; A-7816)	
			600,20	r	(P-8415)	1501,508	ann	(P-13562/94; A-7816)	
			600,20	r	(P-8415)	1501,508	ann	(P-13562/94; A-7816)	
			600,20	r	(P-8415)	1501,508	ann	(P-13562/94; A-7816)	
			600,20	r	(P-8415)	1501,508	ann	(P-13562/94; A-7816)	
			600,20	r	(P-8415)	1501,508	ann	(P-13562/94; A-7816)	
			600,20	r	(P-8415)	1501,508	ann	(P-13562/94; A-7816)	
			600,20	r	(P-8415)	1501,508	ann	(P-13562/94; A-7816)	
			600,20	r	(P-8415)	1501,508	ann	(P-13562/94; A-7816)	
			600,20	r	(P-8415)	1501,508	ann	(P-13562/94; A-7816)	
			600,20	r	(P-8415)	1501,508	ann	(P-13562/94; A-7816)	
			600,20	r	(P-8415)	1501,508	ann	(P-13562/94; A-7816)	
			600,20	r	(P-8415)	1501,508	ann	(P-13562/94; A-7816)	
			600,20	r	(P-8415)	1501,508	ann	(P-13562/94; A-7816)	
			600,20	r	(P-8415)	1501,508	ann	(P-13562/94; A-7816)	
			600,20	r	(P-8415)	1501,508	ann	(P-13562/94; A-7816)	
			600,20	r	(P-8415)	1501,508	ann	(P-13562/94; A-7816)	
			600,20	r	(P-8415)	1501,508	ann	(P-13562/94; A-7816)	
			600,20	r	(P-8415)	1501,508	ann	(P-13562/94; A-7816)	
			600,20	r	(P-8415)	1501,508	ann	(P-13562/94; A-7816)	
			600,20	r	(P-8415)	1501,508	ann	(P-13562/94; A-7816)	
			600,20	r	(P-8415)	1501,508	ann	(P-13562/94; A-7816)	
			600,20	r	(P-8415)	1501,508	ann	(P-13562/94; A-7816)	
			600,20	r	(P-8415)	1501,508	ann	(P-13562/94; A-7816)	
			600,20	r	(P-8415)	1501,508	ann	(P-13562/94; A-7816)	
			600,20	r	(P-8415)	1501,508	ann	(P-13562/94; A-7816)	
			600,20	r	(P-8415)	1501,508	ann	(P-13562/94; A-7816)	
			600,20	r	(P-8415)	1501,508	ann	(P-13562/94; A-7816)	
			600,20	r	(P-8415)	1501,508	ann	(P-13562/94; A-7816)	

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TITLE 36 CONT.		TITLE 41 CONT.		TITLE 47		TITLE 50	
(P-3833)	am	(P-3925)	am	(P-14271/94;A-44)	am	(P-14271/94;A-44)	am
725.156	am	728.76.E	am	110.40	am	110.40	am
725.167	am	728.76.G	am	110.90	am	110.90	am
725.173	am	728.76.T	n	160.10	am	160.10	am
725.177	am	728.76.U	n	160.40	am	160.40	am
725.182	am	730.105	am	160.90	am	160.90	am
725.187	am	730.106	am	190.165	am	190.165	am
725.194	am	730.110	am	371.10	n	371.10	n
725.201	am	730.132	am	371.20	n	371.20	n
725.211	am	730.133	am	371.30	n	371.30	n
725.272	am	730.134	am	371.40	n	371.40	n
725.278	am	730.135	am	371.50	n	371.50	n
725.301	n	730.136	am	371.60	n	371.60	n
725.302	n	730.137	am	371.70	n	371.70	n
725.303	n	730.138	am	371.80	n	371.80	n
725.304	n	730.139	am	371.90	n	371.90	n
725.305	n	730.140	am	372.00	n	372.00	n
725.306	n	730.141	am	372.10	n	372.10	n
725.307	n	730.142	am	372.20	n	372.20	n
725.308	n	730.143	am	372.30	n	372.30	n
725.309	n	730.144	am	372.40	n	372.40	n
725.310	n	730.145	am	372.50	n	372.50	n
725.311	n	730.146	am	372.60	n	372.60	n
725.312	n	730.147	am	372.70	n	372.70	n
725.313	n	730.148	am	372.80	n	372.80	n
725.314	n	730.149	am	372.90	n	372.90	n
725.315	n	730.150	am	373.00	n	373.00	n
725.316	n	730.151	am	373.10	n	373.10	n
725.317	n	730.152	am	373.20	n	373.20	n
725.318	n	730.153	am	373.30	n	373.30	n
725.319	n	730.154	am	373.40	n	373.40	n
725.320	n	730.155	am	373.50	n	373.50	n
725.321	n	730.156	am	373.60	n	373.60	n
725.322	n	730.157	am	373.70	n	373.70	n
725.323	n	730.158	am	373.80	n	373.80	n
725.324	n	730.159	am	373.90	n	373.90	n
725.325	n	730.160	am	374.00	n	374.00	n
725.326	n	730.161	am	374.10	n	374.10	n
725.327	n	730.162	am	374.20	n	374.20	n
725.328	n	730.163	am	374.30	n	374.30	n
725.329	n	730.164	am	374.40	n	374.40	n
725.330	n	730.165	am	374.50	n	374.50	n
725.331	n	730.166	am	374.60	n	374.60	n
725.332	n	730.167	am	374.70	n	374.70	n
725.333	n	730.168	am	374.80	n	374.80	n
725.334	n	730.169	am	374.90	n	374.90	n
725.335	n	730.170	am	375.00	n	375.00	n
725.336	n	730.171	am	375.10	n	375.10	n
725.337	n	730.172	am	375.20	n	375.20	n
725.338	n	730.173	am	375.30	n	375.30	n
725.339	n	730.174	am	375.40	n	375.40	n
725.340	n	730.175	am	375.50	n	375.50	n
725.341	n	730.176	am	375.60	n	375.60	n
725.342	n	730.177	am	375.70	n	375.70	n
725.343	n	730.178	am	375.80	n	375.80	n
725.344	n	730.179	am	375.90	n	375.90	n
725.345	n	730.180	am	376.00	n	376.00	n
725.346	n	730.181	am	376.10	n	376.10	n
725.347	n	730.182	am	376.20	n	376.20	n
725.348	n	730.183	am	376.30	n	376.30	n
725.349	n	730.184	am	376.40	n	376.40	n
725.350	n	730.185	am	376.50	n	376.50	n
725.351	n	730.186	am	376.60	n	376.60	n
725.352	n	730.187	am	376.70	n	376.70	n
725.353	n	730.188	am	376.80	n	376.80	n
725.354	n	730.189	am	376.90	n	376.90	n
725.355	n	730.190	am	377.00	n	377.00	n
725.356	n	730.191	am	377.10	n	377.10	n
725.357	n	730.192	am	377.20	n	377.20	n
725.358	n	730.193	am	377.30	n	377.30	n
725.359	n	730.194	am	377.40	n	377.40	n
725.360	n	730.195	am	377.50	n	377.50	n
725.361	n	730.196	am	377.60	n	377.60	n
725.362	n	730.197	am	377.70	n	377.70	n
725.363	n	730.198	am	377.80	n	377.80	n
725.364	n	730.199	am	377.90	n	377.90	n
725.365	n	730.200	am	378.00	n	378.00	n
725.366	n	730.201	am	378.10	n	378.10	n
725.367	n	730.202	am	378.20	n	378.20	n
725.368	n	730.203	am	378.30	n	378.30	n
725.369	n	730.204	am	378.40	n	378.40	n
725.370	n	730.205	am	378.50	n	378.50	n
725.371	n	730.206	am	378.60	n	378.60	n
725.372	n	730.207	am	378.70	n	378.70	n
725.373	n	730.208	am	378.80	n	378.80	n
725.374	n	730.209	am	378.90	n	378.90	n
725.375	n	730.210	am	379.00	n	379.00	n
725.376	n	730.211	am	379.10	n	379.10	n
725.377	n	730.212	am	379.20	n	379.20	n
725.378	n	730.213	am	379.30	n	379.30	n
725.379	n	730.214	am	379.40	n	379.40	n
725.380	n	730.215	am	379.50	n	379.50	n
725.381	n	730.216	am	379.60	n	379.60	n
725.382	n	730.217	am	379.70	n	379.70	n
725.383	n	730.218	am	379.80	n	379.80	n
725.384	n	730.219	am	379.90	n	379.90	n
725.385	n	730.220	am	380.00	n	380.00	n
725.386	n	730.221	am	380.10	n	380.10	n
725.387	n	730.222	am	380.20	n	380.20	n
725.388	n	730.223	am	380.30	n	380.30	n
725.389	n	730.224	am	380.40	n	380.40	n
725.390	n	730.225	am	380.50	n	380.50	n
725.391	n	730.226	am	380.60	n	380.60	n
725.392	n	730.227	am	380.70	n	380.70	n
725.393	n	730.228	am	380.80	n	380.80	n
725.394	n	730.229	am	380.90	n	380.90	n
725.395	n	730.230	am	381.00	n	381.00	n
725.396	n	730.231	am	381.10	n	381.10	n
725.397	n	730.232	am	381.20	n	381.20	n
725.398	n	730.233	am	381.30	n	381.30	n
725.399	n	730.234	am	381.40	n	381.40	n
725.400	n	730.235	am	381.50	n	381.50	n
725.401	n	730.236	am	381.60	n	381.60	n
725.402	n	730.237	am	381.70	n	381.70	n
725.403	n	730.238	am	381.80	n	381.80	n
725.404	n	730.239	am	381.90	n	381.90	n
725.405	n	730.240	am	382.00	n	382.00	n
725.406	n	730.241	am	382.10	n	382.10	n
725.407	n	730.242	am	382.20	n	382.20	n
725.408	n	730.243	am	382.30	n	382.30	n
725.409	n	730.244	am	382.40	n	382.40	n
725.410	n	730.245	am	382.50	n	382.50	n
725.411	n	730.246	am	382.60	n	382.60	n
725.412	n	730.247	am	382.70	n	382.70	n
725.413	n	730.248	am	382.80	n	382.80	n
725.414	n	730.249	am	382.90	n	382.90	n
725.415	n	730.250	am	383.00	n	383.00	n
725.416	n	730.251	am	383.10	n	383.10	n
725.417	n	730.252	am	383.20	n	383.20	n
725.418	n	730.253	am	383.30	n	383.30	n
725.419	n	730.254	am	383.40	n	383.40	n
725.420	n	730.255	am	383.50	n	383.50	n
725.421	n	730.256	am	383.60	n	383.60	n
725.422	n	730.257	am	383.70	n	383.70	n
725.423	n	730.258	am	383.80	n	383.80	n
725.424	n	730.259	am	383.90	n	383.90	n
725.425	n	730.260	am	384.00	n	384.00	n
725.426	n	730.261	am	384.10	n	384.10	n
725.427	n	730.262	am	384.20	n	384.20	n
725.428	n	730.263	am	384.30	n	384.30	n
725.429	n	730.264	am	384.40	n	384.40	n
725.430	n	730.265	am	384.50	n	384.50	n
725.431	n	730.266	am	384.60	n	384.60	n
725.432	n	730.267	am	384.70	n	384.70	n
725.433	n	730.268	am	384.80	n	384.80	n
725.434	n	730.269	am	384.90	n	384.90	n
725.435	n	730.270	am	385.00	n	385.00	n
725.436	n	730.271	am	385.10	n	385.10	n
725.437	n	730.272	am	385.20	n	385.20	n
725.438	n	730.273	am	385.30	n	385.30	n
725.439	n	730.274	am	385.40	n	385.40	n
725.440	n	730.275	am	385.50	n	385.50	n
725.441	n	730.276	am	385.60	n	385.60	n
725.442	n	730.277	am	385.70	n	385.70	n
725.443	n	730.278	am	385.80	n	385.80	n
725.444	n	730.279	am	385.90	n	385.90	n
725.445	n	730.280	am	386.00	n	386.00	n
725.446	n	730.281	am	386.10	n	386.10	n
725.447	n	730.282	am	386.20	n	386.20	n
725.448	n	730.283	am	386.30	n	386.30	n
725.449	n	730.284	am	386.40	n	386.40	n
725.450	n	730.285	am	386.50	n	386.50	n
725.451	n	730.286	am	386.60	n	386.60	n
725.452	n	730.287	am	386.70	n	386.70	n
725.453	n	730.288	am	386.80	n	386.80	n
725.454	n	730.289	am	386.90	n		

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120.150	am	(P-6227)	240.10	am	(P-2215)	250.40	n	(P-8048)
120.160	am	(P-6227)	240.180	am	(P-2215)	250.50	n	(P-8048)
132.10	am	(P-8920) [E-9200]	240.240	am	(P-2215)	250.60	n	(P-8048)
132.20	am	(P-8920) [E-9200]	240.245	am	(P-2215)	250.70	n	(P-8048)
132.25	am	(P-8920) [E-9200]	240.300	am	(P-2215)	250.80	n	(P-8048)
132.30	am	(P-8920) [E-9200]	240.310	am	(P-2215)	1700.11	am	(P-1482)
132.35	am	(P-8920) [E-9200]	240.410	am	(P-2215)	1700.16	am	(P-1498; C-2319)
132.40	am	(P-8920) [E-9200]	240.430	am	(P-2215)	1701.Ap.A	am	(P-1470)
132.50	am	(P-8920) [E-9200]	240.450	am	(P-2215)	1761.11	am	(P-1631)
132.60	am	(P-8920) [E-9200]	240.455	am	(P-2215)	1772.15	am	(P-1631)
132.70	am	(P-8920) [E-9200]	240.460	am	(P-2215)	1773.10	am	(P-1637)
132.80	am	(P-8920) [E-9200]	240.465	am	(P-2215)	1773.20	am	(P-1637)
132.85	am	(P-8920) [E-9200]	240.470	am	(P-2215)	1773.21	am	(P-1637)
132.90	am	(P-8920) [E-9200]	240.475	am	(P-2215)	1773.22	n	(P-1637)
132.100	am	(P-8920) [E-9200]	240.500	am	(P-2215)	1773.23	n	(P-1637)
132.110	am	(P-8920) [E-9200]	240.525	am	(P-2215)	1773.24	n	(P-1637)
132.115	am	(P-8920) [E-9200]	240.530	am	(P-2215)	1773.25	n	(P-1637)
132.120	am	(P-8920) [E-9200]	240.540	am	(P-2215)	1773.26	n	(P-1637)
132.125	am	(P-8920) [E-9200]	240.630	am	(P-2215)	1774.13	am	(P-1663)
132.130	am	(P-8920) [E-9200]	240.700	am	(P-2215)	1778.15	am	(P-1627)
132.135	am	(P-8920) [E-9200]	240.750	am	(P-2215)	1778.22	r	(P-1692)
132.140	am	(P-8920) [E-9200]	240.760	am	(P-2215)	1779.25	r	(P-1692)
132.145	am	(P-8920) [E-9200]	240.795	n	(P-2215)	1780.23	am	(P-1587)
132.150	am	(P-8920) [E-9200]	240.820	am	(P-2215)	1783.22	r	(P-1706)
132.155	am	(P-8920) [E-9200]	240.850	am	(P-2215)	1783.25	am	(P-1706)
132.165	am	(P-8920) [E-9200]	240.860	am	(P-2215)	1784.15	am	(P-1712)
132.170	am	(P-8920) [E-9200]	240.880	am	(P-2215)	1785.17	am	(P-1653)
132.175	am	(P-8920) [E-9200]	240.890	am	(P-2215)	1785.23	am	(P-1653)
132.180	am	(P-8920) [E-9200]	240.890	am	(P-2215)	1795.1	am	(P-1670)
132.185	am	(P-8920) [E-9200]	240.895	n	(P-2215)	1795.4	am	(P-1670)
132.190	am	(P-8920) [E-9200]	240.930	am	(P-2215)	1795.6	am	(P-1670)
132.195	am	(P-8920) [E-9200]	240.940	am	(P-2215)	1795.8	am	(P-1670)
132.200	am	(P-8920) [E-9200]	240.950	am	(P-2215)	1795.9	am	(P-1670)
132.205	am	(P-8920) [E-9200]	240.950	am	(P-2215)	1800.5	am	(P-1474)
132.210	am	(P-8920) [E-9200]	240.1000	r	(P-2215)	1800.50	am	(P-1474)
132.215	am	(P-8920) [E-9200]	240.1005	r	(P-2215)	1800.71	am	(P-1474)
132.220	am	(P-8920) [E-9200]	240.1005	r	(P-2215)	1804.23	am	(P-1474)
132.225	am	(P-8920) [E-9200]	240.1010	r	(P-2215)	1816.13	am	(P-1569)
132.230	am	(P-8920) [E-9200]	240.1010	r	(P-2215)	1816.15	am	(P-1569)
132.235	am	(P-8920) [E-9200]	240.1020	r	(P-2215)	1816.22	am	(P-1569)
132.240	am	(P-8920) [E-9200]	240.1020	r	(P-2215)	1816.41	am	(P-1569)
132.245	am	(P-8920) [E-9200]	240.1030	r	(P-2215)	1816.46	am	(P-1569)
132.250	am	(P-8920) [E-9200]	240.1030	r	(P-2215)	1816.79	am	(P-1569)
132.255	am	(P-8920) [E-9200]	240.1040	n	(P-2215)	1816.97	am	(P-1569)
132.260	am	(P-8920) [E-9200]	240.1050	n	(P-2215)	1816.116	am	(P-1569)
132.270	am	(P-8920) [E-9200]	240.1060	n	(P-2215)	1816.117	am	(P-1569)
132.280	am	(P-8920) [E-9200]	240.1110	am	(P-2215)	1816.133	am	(P-1569)
132.290	am	(P-8920) [E-9200]	240.1130	am	(P-2215)	1816.163	am	(P-1569)
132.300	am	(P-8920) [E-9200]	240.1140	am	(P-2215)	1816.190	am	(P-1569)
132.310	am	(P-8920) [E-9200]	240.1150	am	(P-2215)	1816.40	am	(P-1569)
132.320	am	(P-8920) [E-9200]	240.1160	am	(P-2215)	1817.13	am	(P-1530)
132.330	am	(P-8920) [E-9200]	240.1400	am	(P-2215)	1817.15	am	(P-1530)
132.340	am	(P-8920) [E-9200]	240.1410	am	(P-2215)	1817.22	am	(P-1530)
132.350	am	(P-8920) [E-9200]	240.1430	am	(P-2215)	1817.41	am	(P-1530)
132.360	am	(P-8920) [E-9200]	240.1440	am	(P-2215)	1817.46	am	(P-1530)
132.370	am	(P-8920) [E-9200]	240.1460	am	(P-2215)	1817.97	am	(P-1530)
132.380	am	(P-8920) [E-9200]	240.1480	am	(P-2215)	1817.116	am	(P-1530)
132.390	am	(P-8920) [E-9200]	240.1490	am	(P-2215)	1817.117	am	(P-1530)
132.400	am	(P-8920) [E-9200]	240.1500	am	(P-2215)	1817.121	am	(P-1530)
132.410	am	(P-8920) [E-9200]	240.1520	am	(P-2215)	1817.131	am	(P-1530)
132.420	am	(P-8920) [E-9200]	240.1540	am	(P-2215)	1817.133	am	(P-1530)
132.430	am	(P-8920) [E-9200]	240.1600	am	(P-2215)	1817.151	am	(P-1530)
132.440	am	(P-8920) [E-9200]	240.1700	am	(P-2215)	1817.182	am	(P-1530)
132.450	am	(P-8920) [E-9200]	240.1740	am	(P-2215)	1817.190	am	(P-1530)
132.460	am	(P-8920) [E-9200]	240.1820	am	(P-2215)	1825.14	am	(P-1678)
132.470	am	(P-8920) [E-9200]	250.10	am	(P-8048)	1840.11	am	(P-1485)
132.480	am	(P-8920) [E-9200]	250.30	n	(P-8048)	1843.13	am	(P-1485)
132.490	am	(P-8920) [E-9200]	250.30	n	(P-8048)	1843.17	am	(P-1485)
132.500	am	(P-8920) [E-9200]	250.30	n	(P-8048)	1843.17	am	(P-1485)
132.510	am	(P-8920) [E-9200]	250.30	n	(P-8048)	1843.17	am	(P-1485)
132.520	am	(P-8920) [E-9200]	250.30	n	(P-8048)	1843.17	am	(P-1485)
132.530	am	(P-8920) [E-9200]	250.30	n	(P-8048)	1843.17	am	(P-1485)
132.540	am	(P-8920) [E-9200]	250.30	n	(P-8048)	1843.17	am	(P-1485)
132.550	am	(P-8920) [E-9200]	250.30	n	(P-8048)	1843.17	am	(P-1485)
132.560	am	(P-8920) [E-9200]	250.30	n	(P-8048)	1843.17	am	(P-1485)
132.570	am	(P-8920) [E-9200]	250.30	n	(P-8048)	1843.17	am	(P-1485)
132.580	am	(P-8920) [E-9200]	250.30	n	(P-8048)	1843.17	am	(P-1485)
132.590	am	(P-8920) [E-9200]	250.30	n	(P-8048)	1843.17	am	(P-1485)
132.600	am	(P-8920) [E-9200]	250.30	n	(P-8048)	1843.17	am	(P-1485)
132.610	am	(P-8920) [E-9200]	250.30	n	(P-8048)	1843.17	am	(P-1485)
132.620	am	(P-8920) [E-9200]	250.30	n	(P-8048)	1843.17	am	(P-1485)
132.630	am	(P-8920) [E-9200]	250.30	n	(P-8048)	1843.17	am	(P-1485)
132.640	am	(P-8920) [E-9200]	250.30	n	(P-8048)	1843.17	am	(P-1485)
132.650	am	(P-8920) [E-9200]	250.30	n	(P-8048)	1843.17	am	(P-1485)
132.660	am	(P-8920) [E-9200]	250.30	n	(P-8048)	1843.17	am	(P-1485)
132.670	am	(P-8920) [E-9200]	250.30	n	(P-8048)	1843.17	am	(P-1485)
132.680	am	(P-8920) [E-9200]	250.30	n	(P-8048)	1843.17	am	(P-1485)
132.690	am	(P-8920) [E-9200]	250.30	n	(P-8048)	1843.17	am	(P-1485)
132.700	am	(P-8920) [E-9200]	250.30	n	(P-8048)	1843.17	am	(P-1485)
132.710	am	(P-8920) [E-9200]	250.30	n	(P-8048)	1843.17	am	(P-1485)
132.720	am	(P-8920) [E-9200]	250.30	n	(P-8048)	1843.17	am	(P-1485)
132.730	am	(P-8920) [E-9200]	250.30	n	(P-8048)	1843.17	am	(P-1485)
132.740	am	(P-8920) [E-9200]	250.30	n	(P-8048)	1843.17	am	(P-1485)
132.750	am	(P-8920) [E-9200]	250.30	n	(P-8048)	1843.17	am	(P-1485)
132.760	am	(P-8920) [E-9200]	250.30	n	(P-8048)	1843.17	am	(P-1485)
132.770	am	(P-8920) [E-9200]	250.30	n	(P-8048)	1843.17	am	(P-1485)
132.780	am	(P-8920) [E-9200]	250.30	n	(P-8048)	1843.17	am	(P-1485)
132.790	am	(P-8920) [E-9200]	250.30	n	(P-8048)	1843.17	am	(P-1485)
132.800	am	(P-8920) [E-9200]	250.30	n	(P-8048)	1843.17	am	(P-1485)
132.810	am	(P-8920) [E-9200]	250.30	n	(P-8048)	1843.17	am	(P-1485)
132.820	am	(P-8920) [E-9200]	250.30	n	(P-8048)	1843.17	am	(P-1485)
132.830	am	(P-8920) [E-9200]	250.30	n	(P-8048)	1843.17	am	(P-1485)
132.840	am	(P-8920) [E-9200]	250.30	n	(P-8048)	1843.17	am	(P-1485)
132.850	am	(P-8920) [E-9200]	250.30	n	(P-8048)	1843.17	am	(P-1485)
132.860	am	(P-8920) [E-9200]	250.30	n	(P-8048)	1843.17	am	(P-1485)
132.870	am	(P-8920) [E-9200]	250.30	n	(P-8048)	1843.17	am	(P-1485)
132.880	am	(P-8920) [E-9200]	250.30	n	(P-8048)	1843.17	am	(P-1485)
132.890	am	(P-8920) [E-9200]	250.30	n	(P-8048)	1843.17	am	(P-1485)
132.900	am	(P-8920) [E-9200]	250.30	n	(P-8048)	1843.17	am	(P-1485)
132.910	am	(P-8920) [E-9200]	250.30	n	(P-8048)	1843.17	am	(P-1485)
132.920	am	(P-8920) [E-9200]	250.30	n	(P-8048)	1843.17	am	(P-1485)
132.930	am	(P-8920) [E-9200]	250.30	n	(P-8048)	1843.17	am	(P-1485)
132.940	am	(P-8920) [E-9200]	250.30	n	(P-8048)	1843.17	am	(P-1485)
132.950	am	(P-8920) [E-9200]	250.30	n	(P-8048)	1843.17	am	(P-1485)
132.960	am	(P-8920) [E-9200]	250.30	n	(P-8048)	1843.17	am	(P-1485)
132.970	am	(P-8920) [E-9200]	250.30	n	(P-8048)	1843.17	am	(P-1485)
132.980	am	(P-8920) [E-9200]	250.30	n	(P-8048)	1843.17	am	(P-1485)
132.990	am	(P-8920) [E-9200]	250.30	n	(P-8048)	1843.17	am	(P-1485)
133.000	am	(P-8920) [E-9200]	250.30	n	(P-8048)	1843.17	am	(P-1485)
133.010	am	(P-8920) [E-9200]	250.30	n	(P-8048)	1843.17	am	(P-1485)
133.020	am	(P-8920) [E-9200]	250.30	n	(P-8048)	1843.17	am	(P-1485)
133.030	am	(P-8920) [E-9200]	250.30	n	(P-8048)	1843.17	am	(P-1485)
133.040	am	(P-8920) [E-9200]	250.30	n	(P-8048)	1843.17	am	(P-1485)
133.050	am	(P-8920) [E-9200]	250.30	n	(P-8048)	1843.17	am	(P-1485)
133.060	am	(P-8920) [E-9200]	250.30	n	(P-8048)	1843.17	am	(P-1485)
133.070	am	(P-8920) [E-9200]	250.30	n	(P-8048)	1843.17	am	(P-1485)
133.080	am	(P-8920)						

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340.1530	n	(P-12955/94; A-5679)	535.230	am	(P-1745)	672.315	r	(P-14308/94; A-606)
340.1535	n	(P-12955/94; A-5679)	535.270	am	(P-1745)	672.405	am	(P-14308/94; A-606)
340.1540	n	(P-12955/94; A-5679)	535.300	am	(P-1745)	672.405	am	(P-17126)
340.1550	n	(P-12955/94; A-5679)	535.310	am	(P-1745)	672.420	am	(P-14308/94; A-606)
340.1560	n	(P-12955/94; A-5679)	535.320	am	(P-1745)	672.450	am	(P-14308/94; A-606)
340.1570	n	(P-12955/94; A-5679)	535.330	am	(P-1745)	672.450	am	(P-17126)
340.1580	n	(P-12955/94; A-5679)	535.335	am	(P-1745)	672.505	am	(P-14308/94; A-606)
340.1590	n	(P-12955/94; A-5679)	535.340	am	(P-1745)	672.505	am	(P-17126)
340.1600	n	(P-12955/94; A-5679)	535.400	am	(P-1745)	672.510	am	(P-14308/94; A-606)
340.1610	n	(P-12955/94; A-5679)	535.430	am	(P-1745)	672.510	am	(P-17126)
340.1620	n	(P-12955/94; A-5679)	535.430	am	(P-1745)	672.520	am	(P-14308/94; A-606)
340.1630	n	(P-12955/94; A-5679)	535.440	am	(P-1745)	672.520	am	(P-14308/94; A-606)
340.1650	n	(P-12955/94; A-5679)	535.500	am	(P-1745)	672.560	r	(P-14308/94; A-606)
340.1665	n	(P-12955/94; A-5679)	535.520	am	(P-1745)	672.560	r	(P-14308/94; A-606)
340.1680	n	(P-12955/94; A-5679)	535.530	am	(P-1745)	672.581e	am	(P-14308/94; A-606)
340.1665	n	(P-12955/94; A-5679)	535.540	am	(P-1745)	672.615	r	(P-14308/94; A-606)
340.1670	n	(P-12955/94; A-5679)	535.650	am	(P-1745)	672.615	r	(P-14308/94; A-606)
340.1700	n	(P-12955/94; A-5679)	535.810	am	(P-1745)	672.635	r	(P-14308/94; A-606)
340.1710	n	(P-12955/94; A-5679)	535.1000	am	(P-1745)	672.635	r	(P-14308/94; A-606)
340.1720	n	(P-12955/94; A-5679)	540.30	am	(P-1242)	672.635	r	(P-14308/94; A-606)
340.1800	n	(P-12955/94; A-5679)	540.70	am	(P-1242)	672.635	r	(P-14308/94; A-606)
340.1810	n	(P-12955/94; A-5679)	540.80	am	(P-1242)	672.645	r	(P-14308/94; A-606)
340.1820	n	(P-12955/94; A-5679)	540.90	am	(P-1242)	672.645	r	(P-14308/94; A-606)
340.1830	n	(P-12955/94; A-5679)	540.100	am	(P-1242)	672.650	r	(P-14308/94; A-606)
340.1840	n	(P-12955/94; A-5679)	540.120	am	(P-1242)	672.650	r	(P-14308/94; A-606)
340.1900	n	(P-12955/94; A-5679)	540.130	am	(P-1242)	672.665	r	(P-14308/94; A-606)
340.1910	n	(P-12955/94; A-5679)	540.140	am	(P-1242)	672.665	r	(P-14308/94; A-606)
340.1920	n	(P-12955/94; A-5679)	540.160	am	(P-1242)	672.665	r	(P-14308/94; A-606)
340.1930	n	(P-12955/94; A-5679)	594.10	n	(P-8572/94; A-2955)	672.670	r	(P-17126)
340.1940	n	(P-12955/94; A-5679)	594.20	n	(P-8572/94; A-2955)	682.10	am	(P-8550/94; A-1126)
340.1950	n	(P-12955/94; A-5679)	594.30	n	(P-8572/94; A-2955)	683.15	am	(P-8550/94; A-1126)
340.1960	n	(P-12955/94; A-5679)	594.40	n	(P-8572/94; A-2955)	684.20	am	(P-1219)
340.2000	n	(P-12955/94; A-5679)	594.100	n	(P-8572/94; A-2955)	687.30	am	(P-8540/94; A-1171)
340.2010	n	(P-12955/94; A-5679)	594.120	n	(P-8572/94; A-2955)	687.200	am	(P-8540/94; A-1171)
340.2020	n	(P-12955/94; A-5679)	594.130	n	(P-8572/94; A-2955)	687.210	am	(P-8540/94; A-1171)
340.2030	n	(P-12955/94; A-5679)	594.140	n	(P-8572/94; A-2955)	687.220	am	(P-8540/94; A-1171)
340.2040	n	(P-12955/94; A-5679)	594.150	n	(P-8572/94; A-2955)	750.110	am	(P-533)
340.2050	n	(P-12955/94; A-5679)	594.200	n	(P-8572/94; A-2955)	750.120	am	(P-533)
340.76.4	n	(P-12955/94; A-5679)	594.210	n	(P-8572/94; A-2955)	750.140	am	(P-533)
340.76.8	n	(P-12955/94; A-5679)	594.220	n	(P-8572/94; A-2955)	750.160	am	(P-533)
475.10	am	(P-6284)	594.230	n	(P-8572/94; A-2955)	750.180	am	(P-533)
475.20	am	(P-6284)	594.240	n	(P-8572/94; A-2955)	750.185	n	(P-533)
475.25	am	(P-6284)	594.300	n	(P-8572/94; A-2955)	750.188	n	(P-533)
475.30	am	(P-6284)	594.400	n	(P-8572/94; A-2955)	750.187	n	(P-533)
475.40	am	(P-6284)	594.410	n	(P-8572/94; A-2955)	750.188	n	(P-533)
575.10	am	(P-185; A-7412)	594.430	n	(P-8572/94; A-2955)	750.240	am	(P-533)
575.20	am	(P-185; A-7412)	594.440	n	(P-8572/94; A-2955)	750.310	am	(P-533)
575.30	r	(P-185; A-7412)	598.100	am	(P-5338) (E-6020)	760.110	am	(P-551)
575.40	am	(P-185; A-7412)	598.120	am	(P-5338) (E-6020)	760.120	am	(P-551)
575.60	am	(P-185; A-7412)	615.210	am	(P-433)	760.130	am	(P-551)
575.70	am	(P-185; A-7412)	661.10	am	(P-433)	760.130	am	(P-551)
575.80	am	(P-185; A-7412)	661.15	am	(P-433)	760.130	am	(P-551)
575.90	am	(P-185; A-7412)	661.20	am	(P-433)	760.130	am	(P-551)
575.100	am	(P-185; A-7412)	661.35	am	(P-433)	760.130	am	(P-551)
575.110	am	(P-185; A-7412)	661.40	am	(P-433)	760.130	am	(P-551)
575.120	am	(P-185; A-7412)	661.45	am	(P-433)	760.130	am	(P-551)
575.130	am	(P-185; A-7412)	661.50	am	(P-433)	760.130	am	(P-551)
575.140	am	(P-185; A-7412)	661.55	am	(P-433)	760.130	am	(P-551)
575.150	am	(P-185; A-7412)	661.60	am	(P-433)	760.130	am	(P-551)
575.160	am	(P-185; A-7412)	661.65	am	(P-433)	760.130	am	(P-551)
575.170	am	(P-185; A-7412)	661.70	am	(P-433)	760.130	am	(P-551)
575.180	am	(P-185; A-7412)	661.75	am	(P-433)	760.130	am	(P-551)
575.190	am	(P-185; A-7412)	661.80	am	(P-433)	760.130	am	(P-551)
575.200	am	(P-185; A-7412)	661.85	am	(P-433)	760.130	am	(P-551)
575.210	am	(P-185; A-7412)	661.90	am	(P-433)	760.130	am	(P-551)
575.220	am	(P-185; A-7412)	661.95	am	(P-433)	760.130	am	(P-551)
575.230	am	(P-185; A-7412)	662.00	am	(P-433)	760.130	am	(P-551)
575.240	am	(P-185; A-7412)	662.05	am	(P-433)	760.130	am	(P-551)
575.250	am	(P-185; A-7412)	662.10	am	(P-433)	760.130	am	(P-551)
575.260	am	(P-185; A-7412)	662.15	am	(P-433)	760.130	am	(P-551)
575.270	am	(P-185; A-7412)	662.20	am	(P-433)	760.130	am	(P-551)
575.280	am	(P-185; A-7412)	662.25	am	(P-433)	760.130	am	(P-551)
575.290	am	(P-185; A-7412)	662.30	am	(P-433)	760.130	am	(P-551)
575.300	am	(P-185; A-7412)	662.35	am	(P-433)	760.130	am	(P-551)
575.310	am	(P-185; A-7412)	662.40	am	(P-433)	760.130	am	(P-551)
575.320	am	(P-185; A-7412)	662.45	am	(P-433)	760.130	am	(P-551)
575.330	am	(P-185; A-7412)	662.50	am	(P-433)	760.130	am	(P-551)
575.340	am	(P-185; A-7412)	662.55	am	(P-433)	760.130	am	(P-551)
575.350	am	(P-185; A-7412)	662.60	am	(P-433)	760.130	am	(P-551)
575.360	am	(P-185; A-7412)	662.65	am	(P-433)	760.130	am	(P-551)
575.370	am	(P-185; A-7412)	662.70	am	(P-433)	760.130	am	(P-551)
575.380	am	(P-185; A-7412)	662.75	am	(P-433)	760.130	am	(P-551)
575.390	am	(P-185; A-7412)	662.80	am	(P-433)	760.130	am	(P-551)
575.400	am	(P-185; A-7412)	662.85	am	(P-433)	760.130	am	(P-551)
575.410	am	(P-185; A-7412)	662.90	am	(P-433)	760.130	am	(P-551)
575.420	am	(P-185; A-7412)	662.95	am	(P-433)	760.130	am	(P-551)
575.430	am	(P-185; A-7412)	663.00	am	(P-433)	760.130	am	(P-551)
575.440	am	(P-185; A-7412)	663.05	am	(P-433)	760.130	am	(P-551)
575.450	am	(P-185; A-7412)	663.10	am	(P-433)	760.130	am	(P-551)
575.460	am	(P-185; A-7412)	663.15	am	(P-433)	760.130	am	(P-551)
575.470	am	(P-185; A-7412)	663.20	am	(P-433)	760.130	am	(P-551)
575.480	am	(P-185; A-7412)	663.25	am	(P-433)	760.130	am	(P-551)
575.490	am	(P-185; A-7412)	663.30	am	(P-433)	760.130	am	(P-551)
575.500	am	(P-185; A-7412)	663.35	am	(P-433)	760.130	am	(P-551)
575.510	am	(P-185; A-7412)	663.40	am	(P-433)	760.130	am	(P-551)
575.520	am	(P-185; A-7412)	663.45	am	(P-433)	760.130	am	(P-551)
575.530	am	(P-185; A-7412)	663.50	am	(P-433)	760.130	am	(P-551)
575.540	am	(P-185; A-7412)	663.55	am	(P-433)	760.130	am	(P-551)
575.550	am	(P-185; A-7412)	663.60	am	(P-433)	760.130	am	(P-551)
575.560	am	(P-185; A-7412)	663.65	am	(P-433)	760.130	am	(P-551)
575.570	am	(P-185; A-7412)	663.70	am	(P-433)	760.130	am	(P-551)
575.580	am	(P-185; A-7412)	663.75	am	(P-433)	760.130	am	(P-551)
575.590	am	(P-185; A-7412)	663.80	am	(P-433)	760.130	am	(P-551)
575.600	am	(P-185; A-7412)	663.85	am	(P-433)	760.130	am	(P-551)
575.610	am	(P-185; A-7412)	663.90	am	(P-433)	760.130	am	(P-551)
575.620	am	(P-185; A-7412)	663.95	am	(P-433)	760.130	am	(P-551)
575.630	am	(P-185; A-7412)	664.00	am	(P-433)	760.130	am	(P-551)
575.640	am	(P-185; A-7412)	664.05	am	(P-433)	760.130	am	(P-551)
575.650	am	(P-185; A-7412)	664.10	am	(P-433)	760.130	am	(P-551)
575.660	am	(P-185; A-7412)	664.15	am	(P-433)	760.130	am	(P-551)
575.670	am	(P-185; A-7412)	664.20	am	(P-433)	760.130	am	(P-551)
575.680	am	(P-185; A-7412)	664.25	am	(P-433)	760.130	am	(P-551)
575.690	am	(P-185; A-7412)	664.30	am	(P-433)	760.130	am	(P-551)
575.700	am	(P-185; A-7412)	664.35	am	(P-433)	760.130	am	(P-551)
575.710	am	(P-185; A-7412)	664.40	am	(P-433)	760.130	am	(P-551)
575.720	am	(P-185; A-7412)	664.45	am	(P-433)	760.130	am	(P-551)
575.730	am	(P-185; A-7412)	664.50	am	(P-433)	760.130	am	(P-551)
575.740	am	(P-185; A-7412)	664.55	am	(P-433)	760.130	am	(P-551)
575.750	am	(P-185; A-7412)	664.60	am	(P-433)	760.130	am	(P-551)
575.760	am	(P-185; A-7412)	664.65	am	(P-433)	760.130	am	(P-551)
575.770	am	(P-185; A-7412)	664.70	am	(P-433)	760.130	am	(P-551)
575.780	am	(P-185; A-7412)	664.75	am	(P-433)	760.130	am	(P-551)
575.790	am	(P-185; A-7412)	664.80	am	(P-433)	760.130	am	(P-551)
575.800	am	(P-185; A-7412)	664.85	am				

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900.16DH 900.16DI 900.16DJ 900.16DK 900.16DL 900.16DM 900.16DN 900.16DO 900.16DP 900.16DQ 900.16DR 900.16DS 900.16DT 900.16DU 900.16DV 900.16DW 900.16DX 900.16DY 900.16DZ 900.16EA 900.16EB 900.16EC 900.16ED 900.16EE 900.16EF 900.16EG 900.16EH 900.16EI 900.16EJ 900.16EK 900.16EL 900.16EM 900.16EN 900.16EO 900.16EP 900.16EQ 900.16ER 900.16ES 900.16ET 900.16EU 900.16EV 900.16EW 900.16EX 900.16EY 900.16EZ 900.16FA 900.16FB 900.16FC 900.16FD 900.16FE 900.16FF 900.16FG 900.16FH 900.16FI 900.16FJ 900.16FK 900.16FL 900.16FM 900.16FN 900.16FO 900.16FP 900.16FQ 900.16FR 900.16FS 900.16FT 900.16FU 900.16FV 900.16FW 900.16FX 900.16FY 900.16FZ 900.16GA 900.16GB 900.16GC 900.16GD 900.16GE 900.16GF 900.16GG 900.16GH 900.16GI 900.16GJ 900.16GK 900.16GL 900.16GM 900.16GN 900.16GO 900.16GP 900.16GQ 900.16GR 900.16GS 900.16GT 900.16GU 900.16GV 900.16GW 900.16GX 900.16GY 900.16GZ 900.16HA 900.16HB 900.16HC 900.16HD 900.16HE 900.16HF 900.16HG 900.16HH 900.16HI 900.16HJ 900.16HK 900.16HL 900.16HM 900.16HN 900.16HO 900.16HP 900.16HQ 900.16HR 900.16HS 900.16HT 900.16HU 900.16HV 900.16HW 900.16HX 900.16HY 900.16HZ 900.16IA 900.16IB 900.16IC 900.16ID 900.16IE 900.16IF 900.16IG 900.16IH 900.16II 900.16IJ 900.16IK 900.16IL 900.16IM 900.16IN 900.16IO 900.16IP 900.16IQ 900.16IR 900.16IS 900.16IT 900.16IU 900.16IV 900.16IW 900.16IX 900.16IY 900.16IZ 900.16JA 900.16JB 900.16JC 900.16JD 900.16JE 900.16JF 900.16JG 900.16JH 900.16JI 900.16JJ 900.16JK 900.16JL 900.16JM 900.16JN 900.16JO 900.16JP 900.16JQ 900.16JR 900.16JS 900.16JT 900.16JU 900.16JV 900.16JW 900.16JX 900.16JY 900.16JZ 900.16KA 900.16KB 900.16KC 900.16KD 900.16KE 900.16KF 900.16KG 900.16KH 900.16KI 900.16KJ 900.16KK 900.16KL 900.16KM 900.16KN 900.16KO 900.16KP 900.16KQ 900.16KR 900.16KS 900.16KT 900.16KU 900.16KV 900.16KW 900.16KX 900.16KY 900.16KZ 900.16LA 900.16LB 900.16LC 900.16LD 900.16LE 900.16LF 900.16LG 900.16LH 900.16LI 900.16LJ 900.16LK 900.16LL 900.16LM 900.16LN 900.16LO 900.16LP 900.16LQ 900.16LR 900.16LS 900.16LT 900.16LU 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900.16QE 900.16QF 900.16QG 900.16QH 900.16QI 900.16QJ 900.16QK 900.16QL 900.16QM 900.16QN 900.16QO 900.16QP 900.16QQ 900.16QR 900.16QS 900.16QT 900.16QU 900.16QV 900.16QW 900.16QX 900.16QY 900.16QZ 900.16RA 900.16RB 900.16RC 900.16RD 900.16RE 900.16RF 900.16RG 900.16RH 900.16RI 900.16RJ 900.16RK 900.16RL 900.16RM 900.16RN 900.16RO 900.16RP 900.16RQ 900.16RR 900.16RS 900.16RT 900.16RU 900.16RV 900.16RW 900.16RX 900.16RY 900.16RZ 900.16SA 900.16SB 900.16SC 900.16SD 900.16SE 900.16SF 900.16SG 900.16SH 900.16SI 900.16SJ 900.16SK 900.16SL 900.16SM 900.16SN 900.16SO 900.16SP 900.16SQ 900.16SR 900.16SS 900.16ST 900.16SU 900.16SV 900.16SW 900.16SX 900.16SY 900.16SZ 900.16TA 900.16TB 900.16TC 900.16TD 900.16TE 900.16TF 900.16TG 900.16TH 900.16TI 900.16TJ 900.16TK 900.16TL 900.16TM 900.16TN 900.16TO 900.16TP 900.16TQ 900.16TR 900.16TS 900.16TT 900.16TU 900.16TV 900.16TW 900.16TX 900.16TY 900.16TZ 900.16UA 900.16UB 900.16UC 900.16UD 900.16UE 900.16UF 900.16UG 900.16UH 900.16UI 900.16UJ 900.16UK 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2687.90	n			(P-8727)	809.500	em	(P-2389)
2688.00	n			(P-8727)	809.600	em	(P-2389)
2688.10	n			(P-8727)	809.700	em	(P-2389)
2688.20	n			(P-8727)	809.800	em	(P-2389)
2688.30	n			(P-8727)	809.900	em	(P-2389)
2688.40	n			(P-8727)	810.000	em	(P-2389)
2688.50	n			(P-8727)	810.100	em	(P-2389)
2688.60	n			(P-8727)	810.200	em	(P-2389)
2688.70	n			(P-8727)	810.300	em	(P-2389)
2688.80	n			(P-8727)	810.400	em	(P-2389)
2688.90	n			(P-8727)	810.500	em	(P-2389)
2689.00	n			(P-8727)	810.600	em	(P-2389)
2689.10	n			(P-8727)	810.700	em	(P-2389)
2689.20	n			(P-8727)	810.800	em	(P-2389)
2689.30	n			(P-8727)	810.900	em	(P-2389)
2689.40	n			(P-8727)	811.000	em	(P-2389)
2689.50	n			(P-8727)	811.100	em	(P-2389)
2689.60	n			(P-8727)	811.200	em	(P-2389)
2689.70	n			(P-8727)	811.300	em	(P-2389)
2689.80	n			(P-8727)	811.400	em	(P-2389)
2689.90	n			(P-8727)	811.500	em	(P-2389)
2690.00	n			(P-8727)	811.600	em	(P-2389)
2690.10	n			(P-8727)	811.700	em	(P-2389)
2690.20	n			(P-8727)	811.800	em	(P-2389)
2690.30	n			(P-8727)	811.900	em	(P-2389)
2690.40	n			(P-8727)	812.000	em	(P-2389)
2690.50	n			(P-8727)	812.100	em	(P-2389)
2690.60	n			(P-8727)	812.200	em	(P-2389)
2690.70	n			(P-8727)	812.300	em	(P-2389)
2690.80	n			(P-8727)	812.400	em	(P-2389)
2690.90	n			(P-8727)	812.500	em	(P-2389)
2691.00	n			(P-8727)	812.600	em	(P-2389)
2691.10	n			(P-8727)	812.700	em	(P-2389)
2691.20	n			(P-8727)	812.800	em	(P-2389)
2691.30	n			(P-8727)	812.900	em	(P-2389)
2691.40	n			(P-8727)	813.000	em	(P-2389)
2691.50	n			(P-8727)	813.100	em	(P-2389)
2691.60	n			(P-8727)	813.200	em	(P-2389)
2691.70	n			(P-8727)	813.300	em	(P-2389)
2691.80	n			(P-8727)	813.400	em	(P-2389)
2691.90	n			(P-8727)	813.500	em	(P-2389)
2692.00	n			(P-8727)	813.600	em	(P-2389)
2692.10	n			(P-8727)	813.700	em	(P-2389)
2692.20	n			(P-8727)	813.800	em	(P-2389)
2692.30	n			(P-8727)	813.900	em	(P-2389)
2692.40	n			(P-8727)	814.000	em	(P-2389)
2692.50	n						

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THE HISTORY OF THE

REIGN OF KING CHARLES THE FIRST

IN THE YEAR 1649

BY JOHN BURNET

OF THE UNIVERSITY OF OXFORD

IN TWO VOLUMES

VOLUME THE FIRST

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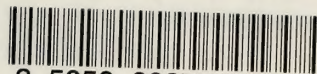
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